# DEBATES IN CONGRESS.

## PART II. OF VOL. XIV.

# REGISTER

OF

# DEBATES IN CONGRESS,

COMPRISING THE LEADING DEBATES AND INCIDENTS

OF THE FIRST SESSION OF THE TWENTY-FIFTH CONGRESS:

TOGETHER WITH

## AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND THE

LAWS ENACTED DURING THE SESSION:

WITH A COPIOUS INDEX TO THE WHOLE.

VOLUME XIV.

WASHINGTON:

PRINTED AND PUBLISHED BY GALES AND SEATON.

1837.

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TO WHICH IS ADDED

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relief: not merely to pass a law or two to relieve the Treasury by raising money from the people, and then go home. The idea, he said, appeared to be very general that there must be a recess. But he could not see the necessity or adequate reason of adjourning. But if it were settled that this is to be so short a session, and that measures so important are to take their final decision, at any rate, before it closes, why then, Mr. A. observed, it were better the session were shortened as much as possible. It were better, in fact, to adjourn at once—to-morrow. We have done mischief enough, he remarked, already, for the sake of relieving the Treasury. It would not be difficult, however, to lay the country under a yet further burden than that already imposed upon it—by the passage, meantime, of the bill which gives Government ten or twelve millions of dollars more. It would be easy to do this in one day by the aid of the previous question. And then, why not go home!

Mr. A. remarked that he had heard no arguments for adjournment which had been based upon considerations of public interests, but only on those of mere private accommodation; just, said he, as we get all the gold and silver, while the people get nothing but rags.

But there was one other money bill the House might, by the aid of the previous question, also get through within the limits prescribed by the Senate for the duration of the session. Besides the ten or twelve millions of dollars for the Treasury, there was a bill on the table appropriating two or three millions of dollars more "for the suppression of Indian hostilities." Being one of that highly favored class of appropriation bills which he had before designated as "scalping-knife and tomahawk bills," it would be most easy to pass it by the previous question at any moment.

Mr. A. gave as a reason why he would not vote for that bill, if it should come up, that no such appropriation as it makes was called for by the Executive. It was not mentioned in the message. There had been no intimation from any quarter, that should be taken as authority by the House in matters so important, that $2,000,000 more of the people's money was wanted in addition to the large sums already appropriated for the same object. But, said Mr. A., it seems to be the object of this session of Congress, rejecting all consideration of the claims and memorials of the people, to do only what in England is significantly denominated "the King's business," and then to go home as fast as possible!

The SPEAKER here suggested that the bill making appropriations for the suppression of Indian hostilities was not then before the House.

Mr. ADAMS, with great deference to the Speaker, would suggest that he was in order while giving as a reason why Congress should not adjourn next Monday, that important bills were yet to be acted on by the House, and to strengthen his argument by showing their importance.

The SPEAKER conceded that right, but denied to the gentleman the power of going into the merits of those measures, or either of them, under the rules of the House.

Mr. ADAMS. Those measures cannot be discussed without taking more time than will be allowed us if this resolution passes. Nor would it be consistent with the proper discussion of matters so important to adjourn before the commencement of the ordinary session. And, therefore, not, however, hoping that he should be successful in his appeal, he suggested to gentlemen the expediency of making the slight sacrifice of their personal conveniences to the public good. These inconveniences had mostly been already incurred; and, let gentlemen say what they will, the imputation, already alluded to by the gentleman from Maryland, [Mr. Johnson,] will be in the mouth of every man, woman, and child in the country,—"you went home to get double mileage!"

Mr. A. was going on to allude to the course which had been adopted in the House in regard to the resolution of inquiry into the causes of delay in prosecuting and terminating the Florida war, and which (said Mr. A.) seems to have been sent to "the paradise of fools,"—when he was interrupted by Mr. Cambreleng, who called him to order.

The SPEAKER said that Mr. A. should confine himself to the question immediately before the House, instead of referring to so many distinct subjects.

Mr. ADAMS said he would endeavor to hedge himself within limits as closely as possible; and if he did chance to transgress the bounds of debate, even though it be ever so little, the chairman of the Committee of Ways and Means, who knows his absolute power in this House, will, no doubt, check him and bring him back.

Mr. A. said he had referred to two or three of the measures before the House for consideration. He would merely allude to two other great financial measures, which also awaited their action: the innumerable sub-treasuries on one side, and on the other a return to deposite banks. So much is to be said on both sides, and so much is to be said against both sides, of this question, there certainly could not be much time to spare, if they were to be discussed as they should be, prior to the 9th or the 16th inst., unless, to be sure, the previous question should be invoked to settle the matter; and if that is to be used, it may as well be resorted to immediately upon the second reading of the bill as at any other time. The chairman of the Committee of Ways and Means holds in his hands the debates of this House, and whenever a question has been debated as long as he thinks proper or convenient, all he has to do is to put down his foot, and the gag is at once upon us. Besides, there would be some reason for the passage of these bills, if, being done in a hurry, they will afterwards find the apology for their passage, which, were they to be adopted after deliberation, they could never obtain.

It is the opinion of some gentlemen that the sub-Treasury system was not intended to be discussed in that House. It had been called a bold measure in the President of the United States, who had given up his usual "non-committal" policy in recommending it. Perhaps, said Mr. A., it was the more "bold" from this very consideration, that it was not to be discussed, and was not intended to be passed. On this he would give no opinion; he would leave the solution of the problem to "that great teacher, Time." At all events, it could not, if it was intended, be discussed and passed in so short a space as was proposed. It was a great measure of revenue, calling much profound finance, much deep philosophy, and, more than all to be considered here, much warm party spirit, into action upon it. It could not so soon be settled, except by the intervention of the previous question, and, if that were intended, he would say, let us come to the question at once, even this very day.

Besides these most important matters, there was one other, to which he would briefly allude, but with regard to the merits of which Mr. A. said he should express no opinion then. He had allusion to the Mississippi contested election. Here we have two members, deciding on all important questions—for, in these days, said Mr. A., we find a majority of *two* upon important questions in this House—while a large portion of the House entertain the opinion that they have no right here at all! Besides, it was an important constitutional question, and involving, too, a question of deep interest to the State of Mississippi, and there certainly was not time to do justice to it, before the day proposed for adjournment. Mr. A., however, would take the occasion to remark, that, whatever may be the result of this question, he was glad those gentlemen (Messrs. Claiborne and Gholson) had been in the House during this session. They had, at all events, the voice of the people of Mississippi in favor of their being here thus long; and it is better that they should be here without a perfect

title, than that the people of their State should be unrepresented on this floor. The expression of this opinion may be a political heresy, but such was his view of the constitution.

Mr. A. concluded by expressing the wish that his dissent to the principle of making the present an extra session merely, be entered upon the journal. This, he said, had been the main object he had in view, in making the remarks he had done to the House.

Mr. PATTON could not vote for the last amendment, for it was entirely too early to fix the adjournment of the general session; especially as they had lost all the time of the present session in the general public and private business of the country, by the adoption of the order to take up and consider nothing but what was contained in, or recommended by, the President's message. He contended, however, that the time proposed in the amendment of the gentleman from Georgia was too short for the deliberation of a measure of such importance as the one adverted to. The Senate, consisting of only fifty members, had been discussing this very bill, the sub-Treasury scheme, for about three weeks, while a single fortnight only was to be allowed for the discussion, not only of that measure, but of the resolution on the subject of a national bank, the Mississippi election, the State bank project, and all, in a body of nearly two hundred members, consisting of the direct representatives from the people.

Mr. P. moved to postpone the further consideration of the whole subject till Monday next.

Mr. THOMPSON agreed with his colleague [Mr. Pickens] as to the importance of the change of policy proposed. A change from a paper system to a hard money system, so fatal and disastrous to the country, he would not suffer to be made without some deliberation. He wished to go home and consult with his constituents upon this subject. We were now in a state of separation from the banks; and, therefore, as we were now in the full fruition of its advantages, he did not see that any thing was to be lost by the postponement of the divorce bill till the next session. All that sustained the little confidence that still lingered in the country was the hope that something would be done for its relief. His colleague need not, therefore, be afraid that the banks would resume during the recess. He feared there was little hope of it.

Mr. BOON moved the previous question, which was not seconded by a majority of the House: Yeas 72, nays 102.

Mr. CAMBRELENG moved to suspend the rules so as to take the question on each amendment successively.

The SPEAKER declared such a motion to be out of order.

Mr. WISE did not believe it was the intention of the administration to take up the sub-Treasury scheme at all. He inquired of the Chairman of the Committee of Ways and Means, and begged he would answer him candidly and fairly, if such was their intention, whether the day of adjournment was fixed at the 9th or the 16th instant?

Mr. CAMBRELENG would answer the gentleman. He could assure him that he would take the earliest opportunity to call up what the gentleman was disposed to call the sub-Treasury bill; and, so far from fearing to meet that question, I apprehend (said Mr. C.) that gentlemen will find no flinching here upon that subject; and we will see whether the gentleman from Massachusetts, according to a celebrated letter, will "toe the mark." Let us see what the gentleman will do. Let us have no non-committalism.

In conclusion, he assured the gentleman, that whether they sat there for one week or two weeks, or even for six months, he should take the earliest opportunity of bringing that measure forward, after having disposed of the different measures of relief proposed for the country.

Mr. WISE. Just the answer I expected, Mr. Speaker. I feel now, more than ever, assured that the "opportunity" thus defined by the chairman will not very soon occur. The idea of a metallic currency, as a measure to be carried out, was farthest from the thoughts of the administration party in that House. He concurred with Mr. Adams, that, if this were so, Congress had better adjourn at once. The administration can adjourn us just when they please, and will do so. For himself, he said he came there to administer relief to the people; and, with the gentleman from Massachusetts, was ready to remain there not only till the first Monday in April next, but for twelve months, if necessary. He said that every movement made there convinced him that the administration had no intention of carrying out that plan. He hoped that the opposition, conservative and all, would unite in remaining there until it was fairly demonstrated that it was the friends of the administration who adjourned without giving relief to the country.

Many measures, as had truly been said, were here for our discussion and settlement, (continued Mr. Wise;) among them was the plan of some of a national bank; another, that of the conservatives, of continuing the State banks as depositories of the public money; and a third, that of the sub-Treasury system—a system which was the very embodiment of that recommended in the President's message, and which recommendation every one could now see was insincere. His friend from South Carolina, [Mr. Pickens,] who had come so warmly into the support, in advance, of this notable scheme, will discover his mistake ere long, and will find himself left in the lurch by the pretended advocates of his favorite measure of divorce. He will be left in the lurch.

Mr. W. here adverted to the change in the relative position of the two branches of Congress, which had recently been brought about. A large majority in the Senate, and a majority of two in the House, the latter not even originating its own revenue bills, while these bills, in both branches, are precisely the same, prepared, *totidem verbis*, exactly like each other, and sent on their way through the two Houses, *pari passu!*

Mr. CAMBRELENG here remarked that the bills presented several points of difference.

Mr. WISE replied that, in effect, they were precisely identical, and that such changes as had been made in them originated with the Senate.

Six or seven important bills were on the calendar to be acted on. None of these were to be taken up before the sub-Treasury bill, it appeared by the order in which they stood there. Mr. Wise said he understood the game to be played. The deposite banks are to be put in the power of the Government. The bills were ingeniously prepared; the order in which they were arranged was also politic, and such as was obviously designed to secure the passage of each, and the entire omission or defeat of the sub-Treasury bill. Then, what is to be hereafter said to the country in excuse for doing nothing for the relief of the people—the grand object of assembling here at this time? Why, "the House refused to pass the great measure of the session—the system of divorcing banks from State, and hence the failure to produce relief." Again would he say to his friends who had committed themselves in favor of this project, that they had better taken bond and security of the projectors to carry it out, before they gave in their adhesion to its support. The President had made, what had been claimed for him—a bold committal, but it was without the slighest idea that the measure he recommended would ever be adopted, even by his own friends. He was glad that the President had done this, and that, like Samson of old, he had become shorn of his strength by this the first act of committal in all his life. His administration had actually died before it had fairly commenced.

Mr. Wise hoped the House would vote to stay where they were, and hold the administration to their own plans, and see whether this proposition be not a gull—a snare—a

trap. He hoped that all true conservatives, and all in opposition, will not consent to adjourn till all that has been proposed by the administration to be done has had a fair chance of being tried. Let us act, and let us talk, too. Enough has not been said in elucidation of the true position of our affairs. We have yet to travel a long road before adjournment should be thought of.

Mr. GLASCOCK contended that the bills proposed to be passed at this session did propose to afford substantial relief to the country. He alluded to the symptoms now becoming more and more apparent, of growing prosperity in the country, and to the measures now before Congress for the amelioration of public affairs. In doing this, he made some allusion to the vote of Mr. WISE, in 1834, in favor of introducing a bill establishing substantially the same sub-Treasury system which he now deprecates.

Mr. WISE explained. He had voted for the introduction of the bill in question, as a matter of courtesy and comity towards a friend and colleague, who invoked his aid to bring the measure before the House, with the perfect understanding that he [Mr. WISE] would vote against it. He had always been, as now, opposed to the measure.

Mr. GLASCOCK resumed, and declared that he was satisfied with the explanation. He then expressed himself in favor of the 12th as the time of adjournment; and if that did not prevail, he should prefer adjourning on the 9th. He hoped, however, the motion to postpone would be rejected.

Mr. HAMER said that, from indications which had been already afforded by the action of the House, he had come to the conclusion that a large majority of the House had determined to adjourn some time before the first Monday of December next; but the question was, how long before that day? If it had taken the House four weeks to pass one bill, how long would it require to pass some half dozen which had been reported? This seemed like a plain sum in the rule of three; but he hoped the issue would not so turn out. He then went on to argue that, as the minds of the House were made up on nearly if not all of these bills, it would not take long to pass upon them; and this might as well be done by the 9th as by the 16th of the month. Two weeks certainly afforded ample time. As soon as a day was fixed, discussion would be restrained.

After some remarks of Mr. BRIGGS, who called him to order, as wandering from the point,

The question was put on Mr. PATTON's motion to postpone the subject, and it was negatived without a count.

The question then recurring on striking out the 9th and inserting the 16th instant,

Mr. F. O. J. SMITH demanded the yeas and nays, which were ordered by the House; and, being taken, stood as follows:

YEAS—Messrs. Alexander, Heman Allen, Anderson, Andrews, Atherton, Beatty, Bell, Bicknell, Biddle, Birdsall, Brodhead, Bronson, Bynum, Cambreleng, J. Campbell, W. B. Carter, Chaney, Cheatham, Cilley, Cleveland, Clowney, Coles, Connor, Crary, Crockett, Cushman, DeGraff, Dromgoole, Duncan, Edwards, Ewing, Farrington, Foster, Fry, Gallup, Gholson, James Graham, Grantland, Grant, Graves, Gray, Griffin, Hamer, Harlan, Harrison, Hawes, Haynes, Herod, Hoffman, Holsey, Holt, Hopkins, Howard, Hubley, R. M. T. Hunter, Thomas B. Jackson, Jabez Jackson, Joseph Johnson, Wm. Cost Johnson, Nathaniel Jones, John W. Jones, Kemble, Lawler, Legare, Leadbetter, Alphaxed Loomis, James M. Mason, Maury, McKay, Robert McClellan, McClure, McKim, Menefee, Mercer, Miller, Montgomery, Morgan, Samuel W. Morris, Muhlenberg, Noble, Ogle, Owens, Palmer, Parker, Parmenter, Patton, Paynter, Pennybacker, Petrikin, Phelps, Pickens, Pope, Potts, Pratt, Prentiss, Ridgway, Rives, Robertson, Sheffer, Slade, Southgate, Spencer, Stewart, Taliaferro, Taylor, Titus, Toland, Toucey, Turney, Vail, Webster, Weeks, Albert S. White, Thomas T. Whittlesey, Wise—115.

NAYS—Messrs. Adams, J. W. Allen, Aycrigg, Beirne, Bond, Boon, Borden, Briggs, Buchanan, William B. Calhoun, J. Calhoon, William B. Campbell, Casey, Chambers, Chapman, Childs, Corwin, Craig, Cranston, Curtis, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Elmore, Evans, Everett, Fairfield, R. Fletcher, Fillmore, Rice Garland, Glascock, Goode, William Graham, Haley, Hall, Halsted, Hammond, Hastings, Hawkins, Henry, Ingham, Jenifer, Henry Johnson, Kilgore, Klingensmith, Lincoln, Logan, Andrew W. Loomis, Lyon, Marvin, S. Mason, Martin, May, Maxwell, A. McClellan, McKennan, Milligan, Mathias Morris, Calvary Morris, Murray, Naylor, Noyes, Patterson, Pearce, Peck, Phillips, Plumer, Potter, Rariden, Randolph, Reed, Reily, Rencher, Richardson, Rumsey, Russell, Augustine H. Shepperd, Charles Shepard, Shields, Sheplor, Sibley, Smith, Snyder, Stanly, Stratton, Thompson, Tillinghast, Towns, Underwood, Vanderveer, Wagener, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Jared W. Williams, Joseph L. Williams, C. H. Williams, Yell, Yorke—103.

And the amendment was agreed to.

Mr. MERCER moved to postpone the further consideration of the resolution till the first Monday in April next, and asked for the yeas and nays, but the House refused to order them, and rejected the motion without a division.

Mr. SHERROD WILLIAMS, wishing, as he said, to see who would take the responsibility of voting to go home without doing any thing to relieve the country, asked the yeas and nays on the resolution as amended. They were ordered and taken, and resulted as follows:

YEAS—Messrs. Alexander, Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Biddle, Birdsall, Boon, Borden, Briggs, Brodhead, Bronson, Bruyn, Buchanan, Cambreleng, J. Campbell, T. J. Carter, Casey, Chambers, Chaney, Chapman, Cilley, Cleveland, Clowney, Coles, Connor, Corwin, Craig, Crary, Curtis, Cushman, Darlington, Dawson, Davee, Davies, Deberry, DeGraff, Dromgoole, Duncan, Dunn, Edwards, Evans, Ewing, Farrington, Fairfield, Isaac Fletcher, Foster, Fry, Gallup, Glascock, James Graham, W. Graham, Grantland, Grant, Gray, Grennell, Haley, Hall, Halsted, Hammond, Hamer, Harlan, Harrison, Hawkins, Haynes, Henry, Herod, Holsey, Holt, Hopkins, Howard, Hubley, W. H. Hunter, Ingham, T. B. Jackson, Jabez Jackson, N. Jones, J. W. Jones, Kemble, Kilgore, Klingensmith, Lawler, Legare, Leadbetter, Lincoln, Logan, A. Loomis, A. W. Loomis, Lyon, J. M. Mason, Martin, Maxwell, McKay, R. McClellan, A. McClellan, McClure, McKim, McKennan, Miller, Montgomery, Moore, Morgan, S. W. Morris, Muhlenberg, Noble, Noyes, Ogle, Owens, Palmer, Parker, Parmenter, Paynter, Pennybacker, Petrikin, Phelps, Pickens, Plumer, Potts, Potter, Pratt, Prentiss, Rariden, Randolph, Reed, Reily, Rencher, Richardson, Ridgway, Rives, Russell, Sheffer, A. H. Shepperd, Sheplor, Slade, Spencer, Stewart, Stratton, Taylor, Titus, Toland, Toucey, Towns, Turney, Vail, Vanderveer, Wagener, Weeks, A. S. White, J. White, Thomas T. Whittlesey, J. W. Williams—153.

NAYS—Messrs. Adams, H. Allen, J. W. Allen, Bell, Bond, W. B. Calhoun, J. Calhoon, W. B. Campbell, W. B. Carter, Cheatham, Childs, Cranston, Crockett, Elmore, Everett, Richard Fletcher, Fillmore, Rice Garland, Goode, Graves, Griffin, Hastings, Hawes, Robert M. T. Hunter, Jenifer, H. Johnson, J. Johnson, W. C. Johnson, Lewis, Marvin, Samson Mason, Maury, May, Menefee, Mercer, Milligan, M. Morris, C. Morris, Murray, Naylor, Patterson, Patton, Pearce, Peck, Phillips, Pope, Robertson, Rumsey, C. Shepard, Shields, Sibley, Snyder, Southgate, Stanly, Taliaferro, Tillinghast, Underwood, Webster, E. Whittlesey, L. Williams, S. Williams, J. L. Williams, C. H. Williams, Yell, Yorke—65.

So the House adopted the joint resolution of the Senate, with an amendment, fixing the 16th of October as the day for the adjournment of the present session of Congress; and it was sent to the Senate for their concurrence with the House in the amendment. [The Senate concurred accordingly.]

## MISSISSIPPI ELECTION.

The House then proceeded to the consideration of the business of the morning hour, being the report of the Committee of Elections, which was accompanied by the following resolution:

*Resolved*, That Samuel J. Gholson and John F. H. Claiborne are duly elected members of the twenty-fifth Congress, and as such are entitled to take their seats.

The question pending was the motion of Mr. MAURY to strike out all after the word "resolved," and insert, "that Samuel J. Gholson and John F. H. Claiborne, not being duly elected members of the House of Representatives of the twenty-fifth Congress of the United States, are not entitled to seats on this floor as such."

Mr. BUCHANAN addressed the House as follows:

Mr. Speaker, after the very lucid argument of my colleague on the Committee of Elections, [Mr. PENNYBACKER,] fortified as it was by the views of my other colleague on the committee, [Mr. BRONSON,] I certainly should have considered it wholly unnecessary for me to advance a single word in support of the report of the committee, had it not been for some objections and arguments advanced by gentlemen opposed to the report, which have not been answered as fully as, in my opinion, they might be. The objections made to the credentials of the members elect, seems now to be waved by the gentleman from Tennessee, [Mr. MAURY;] but as the objection was made, and the foundation of it stated to the House, I may be indulged in stating my reasons why it should not prevail. It was stated, and truly stated, that the act of the Mississippi Legislature required the Governor to deliver to the persons elected, proper credentials under his hand and the great seal of the State. This requisition the Governor has not strictly complied with; the credentials produced are under the great seal of State, and signed by the secretary. Now the question arises, if the Governor neglects or refuses to perform his duty, by non-compliance with the law, is that to prevent the gentlemen from taking their seats? Will they not be entitled to their seats on production of other sufficient testimony to show they were duly elected? Unquestionably they would. Is it not the common practice for the Committee of Elections to look beyond the credentials produced, and inquire into the regularity of the election in all its parts. If they had the certificate exactly in accordance with the act of Mississippi, it would only be *prima facie* evidence of their right to seats in the House; it would not be conclusive, neither is a want of it conclusive against them. The gentlemen from Mississippi stand on the same footing in this respect as all other members; they appear and take their seats, and it is presumed they have sufficient credentials, unless their right is by some person contested. This is the course pursued towards every member of the House. No person has attempted to contest the sufficiency of the credentials of the gentlemen from Mississippi. They were not contested in committee, and ought not to be now. But supposing the House choses to go voluntarily into that matter, it appears to me the objection to the credentials must fail; the certificate, to be sure, is not signed by the Governor, but it is under the great seal of State, and signed by the Secretary, and as this is nothing more than a mere ministerial act, it may be performed by the Secretary, by command of the Governor. But supposing the certificate bad, in this respect, because it is not actually signed by the Governor, yet it may be received as evidence, not under the act of Assembly, but as the act of a high and responsible officer to whom the returns of election are entrusted, and whose duty it is to preserve them. From what source could more satisfactory testimony be received? It must be conclusive as to the result of the election, in the absence of all evidence to the contrary.

The great argument which is advanced and strongly relied on by gentlemen in opposition to the report of the committee is, that many of the States, by law, hold their elections for members of Congress subsequent to the 3d of March, at which time the term of office of their predecessors expired; and, consequently, if this makes such a vacancy as, by the constitution, was intended to be filled by authority of the Governor, as the words of the constitution are imperative, he is not at liberty to wait for the operation of the general election laws for filling the vacancy, but must proceed at once after the 3d of March to issue his writs of election. Thus would the Governor be bound, by the constitution, the paramount law, to nullify the election laws of his State in those cases. Hence gentlemen argue that this is not the kind of vacancy intended by the constitution to be filled by a special election held under the authority of the Governor. This argument is more specious than solid. In order to give it any weight, it must be assumed that there was some real necessity for holding the elections at so late a period as to permit a vacancy in the office to exist. If gentlemen can satisfy me that there is any provision in the constitution of the United States which renders it necessary that a vacancy of this kind should happen, then I would admit the argument to have great weight; but so far from any provision of that kind being found in the constitution, according to my view of it, the very reverse is intended; I have no doubt the intention of the framers of that institution was, that no vacancy of the kind now under discussion should ever exist. This view of the subject is fortified by the practice of a large proportion of the States. I take it, then, the argument is unsound which would draw the conclusion of unconstitutionality in the Mississippi election, from acts which (if not inconsistent with the constitution themselves) are by no means authorized, or by it rendered necessary for any legal purpose whatever.

The only questions presented to the committee were as to the legality of the Governor's writ, and whether or not a vacancy had happened, within the meaning of the constitution, to authorize the holding of a special election to fill it. With respect to the first, I cannot believe any difficulty exists in any quarter. That part of the writ which would seem to restrict the services of the gentlemen to be elected to the extra session, was beyond the power of the Governor, and, the writ being perfect without it, the election is good for the whole constitutional term of the 25th Congress. Such seems to be the understanding of every member who has spoken on the subject, and of course it requires no remarks of mine. The only question then is, what is the meaning of the word "happen," as expressed in the constitution? Had a vacancy in the representation of the State of Mississippi happened? The word "happen" is a generic term, one species of which, to be sure, means chance; but is that its only meaning? Certainly not; it embraces in its meaning any thing which occurs or comes to pass. The word, then, is broad enough to embrace the case in question. A vacancy in the representation existed, brought about by the expiration of the term for which the members in the preceding Congress were elected. The same evil, a want of representation of the State in the Congress of the United States, would exist in this case as well as in that produced by death or resignation. Why, then, not apply the remedy prescribed by the constitution? One gentleman contends the Governor ought to have convened the Legislature and let them provide the remedy by a special act; but, independent of the trouble and expense of such a proceeding, it is evident that, in many cases, it would not or could not afford an adequate remedy.

Under circumstances which may frequently exist, the notice for convening Congress may necessarily be so short as to preclude all possibility of electing members under a special act to be passed by a Legislature not in session; indeed, I doubt very much whether there was time in this case. After the President's proclamation reached Mississippi, and the Governor gave reasonable notice for convening the Legislature, I think there would have been no time left to advertise an election as required by the law of Mississippi. Besides, you must take into the account the time necessarily spent in travelling 2,000 miles, the distance from that State to the seat of Government. Certain I am, there would not have been time enough, if the Legislature of that State should be as tedious in its operations as we are. Every reason seems to concur in favor of the validity of the election as it has been held under the authority of the Governor of Mississippi.

The gentlemen opposed to the report seem to me as unfortunate on the score of precedent as that of reason; two cases have been cited, Kinsey Johns of Delaware, and Mr. Lanman of Connecticut, and those cases turned on principles entirely different from that before the House; both of them happened in the Senate. The case from Delaware was an appointment by the Governor to fill a vacancy, where a session of the Legislature had intervened before the appointment was made. The case from Connecticut was an appointment made in February, to fill a vacancy which would not happen until the 4th of March, thus making the appointment to fill a vacancy before the vacancy had happened. The bare statement of these cases shows at once they can have no bearing on the case before the House; they do not apply. So far from precedents being in favor of the position of gentlemen in opposition to the report, they are the other way, so far as they can have any application, and in favor of the ground taken in the report. So sensible was the gentleman from Virginia [Mr Robertson] of this fact, that he had to resort to the observation, that in cases of contested elections, precedents should have but little weight; and in this I agree with him. Mr. Speaker, I have thus given the views which operated on my mind, and nothing that I have yet heard can bring me to entertain a single doubt with respect to the correctness of the resolution attached to the report of the committee.

The hour of half past two having arrived, the House took the usual recess until four o'clock.

### Evening Session.

The House resumed the consideration of the report of the Committee of Elections, on the subject of the election in the State of Mississippi.

The question being on the adoption of the resolution declaring Messrs Gholson and Claiborne entitled to their seats for the 25th Congress, and the immediately pending one being on the amendment of Mr. Maury, declaring those gentlemen not duly elected—

Mr. LEGARE, who was entitled to the floor, began by saying that he regretted very much that, owing to various avocations, and to incessent and fatiguing attendance in that hall, it had not been in his power to look as fully into the subject, especially with a view to precedent and authority, as he should otherwise have felt it incumbent upon him to do. He had, however, thought much of it, and would now submit the result of his reflections to the candid consideration of the House.

The case, he said, presented two questions: first, whether there had occurred, in the representation of the State of Mississippi, such a vacancy as its Executive authority was required by the constitution of the United States to order an election to fill; and, secondly, supposing that question decided in the affirmative, then, whether the limitation (to the extra session) attempted to be imposed by that functionary upon the *tenure* by which the members elected were to hold their seats, was of any legal effect. The former of these two questions, he added, was by far the more difficult, and, indeed, the only difficult one; for he took it to be too clear for controversy, that if those gentlemen were entitled to sit there a single moment, they did and must hold their seats for the whole Congressional term, by an authority paramount not only to that of the Executive, but to the laws and the constitution of the State.

And in the outset, Mr. L. said, he should assume (for he understood it to be so conceded on all hands) that this election—supposing the Governor to have had the constitutional authority to order it—had been in every particular precisely conformable to the law of the State of Mississippi in relation to the filling up of vacancies in the House; that the writ had issued in due season; that it had been carefully published and proclaimed in every part of the State; that the polls were held by the persons, at the places, in the manner required by the statute; that every man entitled to vote knew, or may be fairly, and must be legally, presumed to have known, that he was called to choose those who were to represent him here, and when it was and why it was, he was called to do so; that the attention of the whole people being thus awakened to the high and important matter they were summoned to pass upon, they did in fact come forth in very great strength, and gave to the sitting members a clear majority of several thousand votes over their competitors; that this result had been acquiesced in by all parties there, no protest having been made, nor so much as a whisper of dissatisfaction having reached the Chair; and, finally, that it was only at the request of the gentlemen themselves, who had been thus authorized to demand for the people of Mississippi a voice in the public councils at that interesting juncture, that a formal inquiry into the right of that people to participate in the legislation by which they were to be bound, had been instituted at all. And then, said Mr. L., the question was whether an election thus ordered, thus conducted, thus concluded—an election unexceptionable in every detail, complete in all its parts, decisive beyond the possibility of doubt in its results—an election expressing the sense of the voters of two Congressional districts, in the most authentic and the most unquestionable manner—without which, it is admitted, they would have been without a representative here on one of the most momentous occasions—to *them*, as appeared from the last week's debate, most especially so—that had ever occurred in the political history of the country; whether such an election, he said, should be treated as a mere nullity, and the members returned under it be sent back to their constituents, then the certain consequence must be that those districts would be, for a time, utterly disfranchised; the voice of a State (and if of one, why not of twenty?) stifled, while her interests were disposed of by others, the integrity of the Legislature violated by the absence of one of its essential parts, a *quasi* interregnum created in the Government itself—and why? Because, forsooth, a vacancy in the whole representation of a State, when it is called for here, is no vacancy at all!—or because the same high functionary, who is expressly charged by the constitution with seeing that every casual vacancy, in the most ordinary times, should be immediately filled up by the constituency interested in it, did, with a view to prevent a total failure of all representation at a most extraordinary juncture, call the electors of a State together, (for that is the whole extent of this mighty usurpation,) to discharge the most solemn and most indispensable of all their duties under the constitution of the United States, and to exercise their most undoubted, essential, and inalienable rights as a free people, according to the very letter of the statute in such case made and provided.

He said that, thus stated in the abstract, the proposition wore to him the air of a paradox. Every body must per-

ceive at once that it supposed some strange defect or irregularity in the institutions of the country, of which, *à priori*, he would be most unwilling to admit the existence. Whatever the rights of the people of Mississippi, considered by themselves—whatever good faith towards their co-States in the use of powers conferred upon them for the common good of the Confederacy—whatever the peace, order, and safety of the whole country—whatever substantial justice, public convenience, a practical compliance, in spirit and in truth, with the laws and the obligations of society, could do to give validity and sanctity to a popular election, was to be found in that submitted to the judgment of the House. Nothing had been, nothing could be, objected to it but what was quite formal—mere subtle ties of the *summum jus*. He did not mean to affirm that where provisions of the constitution or the laws, however arbitrary or however stern, were clear and imperative, the House was at liberty to depart from them, even to prevent great public inconvenience. But he did insist upon it that, in such a question as this, he that would sacrifice substance to form, the end to the means, a manifest equity to strict law, must make out a clear case. The burden of proof was upon him. Every presumption of law and reason was against the idea that any people had voluntarily ordained an anomaly so strange, a defect so dangerous, in their fundamental laws. It would not do to surmise the people out of that House. The great right of representation and the sacred duty of maintaining the Government of the Confederacy, were not to be superseded by distant inference and loose conjecture. He called upon gentlemen on the other side for proof—for the ocular proof—and should feel himself bound to give to the people of Mississippi the benefit of every doubt that might arise as to the exercise of a right so infinitely precious to themselves, and which, far from coming into collision with the rights of others, was, on the contrary, imperatively demanded by the very obligations implied and imposed by these.

That the rule of construction, in respect of this fundamental right of representation, was in all cases to aim at giving effect, as far as possible, consistently with higher principles, to a fair exercise of it, appeals to the experience of every one at all versed in the history of parliamentary bodies. The House, as the judge, in the last resort, of its own privileges and those of its members, habitually decided such questions in reference to their real merits, and the substantial justice of each particular case. The law of Parliament on this point had been expressed with such admirable precision and elegance by a gentleman of great professional reputation, lately a member of that House, that he should make no apology for substituting the language of Mr. Binney, in the case of the Kentucky election, for his own.

*Extract from Mr. Binney's speech.*

"What, then, ought to be the interpretation applied by the House to a law of Kentucky prescribing the manner of holding elections for Representatives in Congress? The law does not give the right of voting; it is not intended to restrain or abridge it; its great object is to promote and secure a fair and free exercise of it. Gentlemen who argue, as some who have argued on this floor, that, being a conventional, and not a natural right, it does not exist unless it is exercised in the precise manner in all respects as the State law prescribes, build their argument upon a distinction which is of no value, and confound things which are essentially different. Whether the right of suffrage be natural or conventional is of no importance. It is a fundamental right. Government itself, or rather a particular form of Government, is conventional; and if the right of suffrage is as good as the Government, it need not be better. Being a fundamental right, secured by the constitution of Kentucky, it ought not to be, and cannot legitimately be, confounded with those provisions of law which are designed to secure its exercise. That all the provisions of an election law are parts of the qualification of an elector, and to be scrutinized and enforced with the same strictness as qualification itself, is a position that is not warranted by any analogy in the law. Doubtless, the provisions of every statute are entitled to respect and general observance. It is the duty of those who execute the laws to respect and enforce them all. But when the argument assumes for them such an influence, as that the omission to observe any one of them becomes a defect of qualification in the voter, and obliges this House to reject as illegal the votes received while the irregularity prevailed, the construction becomes an enormous evil. The position is radically opposed to the right of suffrage, as it also is to well-established rules for the interpretation of statutes of this description; and it will make the right the victim of accident, ignorance, inattention, and even of fraud, in the execution of an election law, and consequently of those very precautions which were intended to secure its exercise. On the contrary, sir, neither accident, ignorance, inattention, nor even fraud in the officers of election, in omitting to comply with the prescription of the law ought, in all cases, necessarily to disappoint the right of suffrage. If the authority of the officers was tolerably or apparently good; if the defects in form were such as did not disturb the fairness of the election, nor prevent its fundamental nature, by making it a *viva voce* election instead of an election by ballot; or, on the contrary, if, in spite of irregularities, this House can see that, according to the spirit of the law, the will of the people in the exercise of their right of suffrage has been fairly expressed, and if the State law does not expressly declare the irregularity to be fatal, then, in my apprehension, the authority of the House to judge of the election leaves it free to disregard those irregularities, and to give full effect to the will of the majority of qualified voters. It is free to disregard them, in deference to the policy and spirit of the law, and is not bound by a servile attention to forms to defeat them both.

That (continued Mr. L.) was, beyond all doubt, the true canon of interpretation in matters of election law. The great cardinal object was to fulfil, as far as possible, the will of the people, to take care of their rights, to see that he who claimed a seat there were really their chosen representative, and that he who was clearly ascertained to be their chosen representative should not be excluded on any merely technical or formal grounds.

Nor was this liberality of construction in regard to the execution of such powers—supposing them of course to be clearly ascertained, and not in any degree to affect the rights of third parties—confined to the law of Parliament. It was a distinction known to the old common law as long as any record exists of its principles, that where a power was granted for *private* purposes, for example, to three persons, and one of them died, the other two could not execute it; but if they were commissioners for any *public* business, a single survivor might do whatever the whole college were authorized to do. Even the crabbed and impracticable spirit of English black-letter law yielded so far to the overruling necessities of society. That departure from the rigor of mere technical principles, from the stiffness and pedantry of forms, in favor of public convenience—carried out, by the uniform practice of all legislative bodies, to the length of regarding many provisions of election laws as rather directory to the officers charged with the fulfilment of them than essential to the validity of the acts done under them—disclosed and confirmed the rule which he had just laid down as to what ought to be the leaning of the House on that occasion.

Mr. L. then proceeded to say, that although, if the view he took of that rule were just, he might, under the circumstances already stated of the election in Mississippi, almost rest the case there, or at least fairly call upon gentlemen to establish positively, and to establish clearly, that the people of that State could not be represented here; he would venture, however, to go further. He would undertake to show, negatively, that they could establish no such proposition. He could see nothing in the constitution which was so plain, express, and imperative, as to authorize the House to deny to the people of a State their fundamental right to a voice in their own legislation. Gentlemen, better versed than he could pretend to be in the application of legal principles to practice, might see the subject in a different light, and be able to point out with precision wherein his opinion was erroneous. But, until they did so, he should feel himself bound to repeat, as he then did, that there was, in his opinion, nothing in the constitution of the United States which required at their hands such an extraordinary sacrifice of popular right, social duty, and public convenience, as would be the consequence of setting aside the election before them.

He then called the attention of the House to the clauses of the constitution relating to the subject.

The first was from the second section of the first article.

"The House of Representatives shall be composed of

members chosen every second year by the people of the several States," &c.

Then, after assigning to each State, until the first census should be taken, an arbitrary number of representatives, it proceeds thus:

"When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies."

The next (3d) section is as follows.

"The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years," &c.

It then proceeds to divide the Senators to be chosen into three classes, and to ordain that

"The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second, at the expiration of the fourth; and of the third, at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies."

Now, said Mr. LEGARE, what was the object and effect of the second and third sections? It was to constitute the Legislature—to declare its tenure—to insure its existence. One of the Houses is to be a perpetual body, in the proper sense of that word. I was never to be wholly vacant; new members were always to be in so decided a minority that no sudden change of opinion or policy should happen from that cause alone. The Senate should guaranty, to a certain extent, stability and consistency in the course of the Government: it should keep up fixed habits, and hand down traditional opinion; it should have an *esprit de corps*, and the other attributes of permanent bodies. The House, on the contrary, was to be wholly renewed at shorter, but not too short intervals; for the convention dealt in no extremes of any kind. The tenure of a seat in it was to be for two years—beginning, by a resolve of the convention, on the 4th March—and for neither more nor less than two years. All its members were to come in together; they were all to go out together, and sink again into the mass of the community. If gentlemen would look into the papers of the Federalist touching this subject, they would find that nothing was more insisted on as indispensably necessary than uniformity in the tenure of that House. The celebrated author of that part of the commentary then alluded to, used language of extraordinary emphasis and positiveness in regard to it. He declares he should greatly prefer a prolongation of the term to three or four years, to any irregularity in the periods at which the delegations of the different States should enter the House. Right or wrong, this view had been adopted by the convention, and it was now, beyond all shadow of doubt, the law of that branch of the Legislature, settled in conformity with the soundest theory, by constant and invariable practice, that the term of service of every member of that House began on the 4th of March, and expired on the 4th March two years afterwards. No State could, either by its ordinances or its constitution, through its Legislature or its Executive, by omission or by commission, directly or indirectly, alter this great fundamental principle. It was the corner-stone of the whole fabric; we had solemnly covenanted with one another that there should be a supreme legislative body, composed of two integral parts—the one of them, perpetually existing, the other perpetually renewed—each correcting the other in whatever exaggeration of its principle it might otherwise be exposed to, but neither capable of acting (legislatively) without the other, and the existence of the one supposing the co-ordinate, subsidiary, or, if he might so express it, supplementary existence of the other. It is a wild idea, without the semblance of support from any sound doctrine, inconsistent with the whole scheme of the Government, to suppose that the tenure of the representative authority, thus precisely and solemnly designated by the whole people of the United States in their fundamental law, can be changed, any part of them, at their good will and pleasure. The States, and the people of the States, are bound to conform in good faith to that principle by the most sacred of all obligations, as well as by the most manifest consideration of policy.

Looking, then, at these two sections together, every one must see that the object was, as he had said, to constitute the Legislature, and insure its existence and its duration. Looking at the former alone, it provides, 1st, that the House of Representatives shall be elected for two years; 2d, that whenever any vacancy shall occur in the representation from any State, the Executive authority thereof shall see to its being filled up by the people.

He could not resist the conviction that they who adopted this section thought they had provided for that perpetual renewal of the House, which is necessarily presupposed by the perpetual existence of the other branch of the Legislature. The idea of a mutilated Congress is a monstrosity—it could not have occured. He was sure it had never occurred to any one of the wise men who laid the foundation of this Government in so much good faith and singleness of purpose. Were not the words of the clause comprehensive enough? Was there any exception or reserve in them? Could there have been less? They ordained elections for two years: and they further ordained that, whenever "vacancies should happen in the representation from any State," be they what they might, they should be filled up by the people. Was not that right and proper? And that the people might surely be called, in a regular and certain way, to exercise that right, they imposed it as a high and solemn duty upon the heads of the State Governments themselves to all time, to see that they were so called. What limitation, he asked again, could be pretended to be imposed upon the large and comprehensive generality of these terms? Would it be said that this was no vacancy? No vacancy, when this Congress assembles under the constitution, and two districts are not represented? It was like the argument of the old philosopher against the existence of motion, to be answered by the fact itself—no other answer was needed—none could be given by a plain man.

There was stress laid on the verb "to happen." Mr. Wirt's excellent opinion, which had been printed for the use of the House, had settled the legal philology of that unfortunate word forever. But, if it had not, could any one seriously pretend to speak English and deny *that* to have *happened* which actually *was?* Was it not a fact that, unless Messrs. Claiborne and Gholson were admitted to their seats, a vacancy had happened in the House? And could it happen in the House without happening in the representation of any State? To him it appeared very clear, that the word "representation," as used in the constitution, meant the abstract idea of the share of each State in the legislative power. South Carolina should have 9 Representatives out of 242. If he were asked by a foreigner what her representation was, he should apprehend him clearly, and answer, without difficulty, it was nine members—not A, B, C, or D. It was the correlative of "direct taxation"—an *ens rationis*—a being existing in contemplation of law, and in the scheme of the constitution; and this interpretation reconciled, as good interpretation always did, the most exact principles of a philosophical theory with the common sense and common language of mankind.

This construction seemed to be agreeable to all the admitted canons of interpretation, and to fulfil every one of their cardinal objects. 1st. It was the most simple and literal, and that is always to be adhered to if possible. 2d.

It was in furtherance of popular right, considering the people of Mississippi in their immediate relation to that House. 3d. It was equally to be favored as enforcing a high duty of the same people considered as a part of a confederacy—the duty of maintaining the Government in its integrity. 4th. It prevented immense public inconvenience; never, indeed, could the argument *ab inconvenienti* be stronger.

He begged the House to consider the subject in this point of view. More than one difficulty presented itself in relation to it.

In the first place, he would ask, was it consistent with the constitution that, in the compulsory inevitable absence of the representation of one or more States here, the others should meet and transact business? He did not mean an absence from casualty—for, of course, they cannot, consistently with the exigencies of human affairs, be taken into the account—but absence under a legal disability, and that disability approved, according to the argument, and almost imposed in the constitution itself. Had such a case ever been contemplated? Will any one pretend that any provision has been made for such a case? Why not, if it be in the purview of the constitution? But what was the House to do in such a contingency now, in the opinion of some gentlemen, actually arisen? Could it go on? Ay or no? They might take either branch of the alternative. If yea, then where should the line be drawn? If the absence of one State, under such a disability, were no legal obstacle to the proceedings of this House, why should that of ten be so—nay, of twenty, provided the other six could send a quorum? And the matter of fact was that it required actually not many more than six to compose a majority here: New York, Pennsylvania, Ohio, Virginia, North Carolina, Kentucky, Tennesse, would do it. You have then, on this supposition, a Legislature which is complete in the absence, under an invincible legal disability, of nineteen out of twenty-six of the sovereignties of whose delegates it is composed; that legal disability being considered, like that of infancy, as a high privilege, and as guarantied by the very constitution which, at the same time, enabled others thus to take advantage of it!

But if the answer were in the negative, then here was a country deliberately exposing itself to all the dangers of a complete irremediable interregnum of its whole legislative power for, it might be, nine months in every Congressional term! Did any body think that a construction lightly to be adopted which led to such consequences as these? See what the very men who formed the constitution thought of that state of things which was now claimed as a privilege, while an attempt to prevent its immense and obvious inconveniences, by the usual exercise of popular sovereignty under the same constitution, was denounced, with a gravity almost comic, as downright usurpation and tyranny. Look into the Declaration of Independence, said Mr. L.; you will there find that among the grounds and motives of that ever-memorable step, among the facts submitted to a candid world as fully justifying revolution and civil war, is the very right claimed, it should seem, and exercised at the expense of the people of this country by the British crown. In the same catalogue with the burning of our towns, the ravaging our coasts, the destroying the lives of our countrymen, the transporting us beyond sea for trial, the bringing hither of large armies of mercenaries to complete the works of death, desolation, and tyranny, under circumstances unprecedented in history, and unworthy of the head of a civilized country, it is expressly charged that he had repeatedly dissolved legislative bodies, refusing to call them together again, whereby their powers had returned to the people for their exercise, the State remaining exposed in the meantime to all the dangers of invasion from abroad and insurrections within. That was their simple way of considering the subject; and he ventured to say that, had some public exigency still more momentous and awakening occurred in the earlier part of this year, when so many States were without Representatives elect, requiring at the hands of the Executive the convening of Congress—had a sudden invasion, had a fearful servile war, had some great and alarming revolt against the laws, such as we have already seen in the history of the country, or worse, occurred, there would scarcely have been found a man to doubt but that elections held under writs issued by the Executives of those States were valid, and that the Executives were empowered to issue such writs precisely to protect society against the terrible consequences of omissions like these.

On the whole, therefore, Mr. L. said he was sure the House would agree with him that he had so far made out an exceedingly strong case, and that if the election in Mississippi were to be impeached, it would not be for any thing to be found in the second and third sections of the constitution.

He would next proceed to inquire how far his previous conclusions were affected by the 4th section, on which so much stress had been laid. It was as follows:

"The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators."

"The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day."

To which may be added the clause in the 3d section of the 2d article empowering the President "on extraordinary occasions to convene both Houses."

The question was whether the power thus granted to the States, to regulate the time, place, and manner of holding elections of representatives, was meant to be absolute and unqualified, as gentlemen seemed to imagine, or was, like all other powers, granted for accomplishing the great cardinal objects of the constitution, subject to the tacit condition of being exercised conformably to the scheme and purposes of that constitution.

Every one who had weighed well the views he had already submitted to the House would, he thought, agree that it was necessarily qualified and conditional; and that the execution of it might be vicious either by excess or by defect, either by doing too much, or by doing too little. The case before the House was one, he thought, of an imperfect execution of the power.

In the first place, the House would remark, that, in a strict theory, the whole subject of its own elections ought to have been absolutely within the control of the federal Government, for the same reason that any other part of its essential action—its Executive administration, for instance—had been rendered independent of the States. The relation between the members of that body and its constituents was immediate—the Government was in this respect national, and not federal. It must be regarded, therefore, as a great concession to the States to allow them even this modified right to regulate the circumstances of elections, of which the periods and the character had been unalterably determined by the second section. This, let it be remarked, was none of the reserved rights of the States; it was merely the creature and the incident of the federal constitution itself. But cogent reasons of public convenience and established usage in different States, made them naturally tenacious of the power of regulating their elections in their own way.

It was matter of local detail, with which their Legislatures would be of course best acquainted. Some of them voted by ballot, others *viva voce*—some of them preferred what is called a general ticket, others the district system; these, and many other similar circumstances, would make the adoption of any inflexible universal rule, unless experience should prove it to be quite indispensable, very difficult, and its

operation if adopted unequal and inconvenient. It is by no means to be wondered at, therefore, that we find the States insisting strenuously upon having the power to regulate the circumstances—the time, place, and manner—of elections, in the way which their Legislatures should judge most agreeable to their immediate constituents. But how did it follow that because, through a departure from the rigor of theoretical principles in favor of public convenience, they have a right to render the performance of their duty under the second section of the constitution as little irksome or annoying as possible to themselves, therefore they were left at perfect liberty to perform it or not, at their pleasure? that because they may regulate the circumstances of an election, they have therefore an unqualified control over its existence, and over the tenure of the office created under it? because, in short, they had a power under the 4th section, of which the exercise in good faith is perfectly consistent with the duties imposed in the 2d, therefore the duty is swallowed up by the power given for its fulfilment, and the great cardinal provision of the law, by one that was merely subsidiary and instrumental to it?

If an unqualified control over the whole subject of elections for Congress had been intended to be vested in the States, why impose this duty of issuing writs to fill up vacancies—all vacancies—as an article of the fundamental law of the Union, upon their Executive authorities forever? If the general election was to be so completely in their power, that it should be claimed and proclaimed as their undoubted right to order or to omit it, why not leave it to their legislation also to take care of a few casual vacancies? Why mention vacancies at all? There appeared to him but one possible conclusion, and that was, that in all cases whatsoever of vacancy in the representation from any State, when it was called for there, the executive authority should see to their being filled up by the people—because such a case as a State so arranging its election laws as purposely to create a vacancy, was not contemplated, and could not be contemplated, by those who framed the Government, on the principles he had already explained.

Therefore, as he read the constitution, all elections being intended and supposed to be held before the 4th of March, all vacancies were, of course, such as every one admitted to be properly filled by writs from the Executive. This simple, natural, and fair construction reconciled or precluded all conflicts and contradictions whatever; whereas, the doctrine contended for by gentlemen was the source of those very perplexities and incongruities on which, as the House had seen, such immense stress had been laid to disprove his reading, and to which he should presently speak more particularly.

The same conclusion was supported by the clauses which relate to the meeting of Congress. This is to take place at least once a year—in the absence of all legislation on the subject, on the first Monday in December; but any other day may be fixed by Congress, and the President may, by his proclamation, anticipate, whenever the public good may require it, the regular term under the law or the constitution. Now, a meeting of this House, thus called by the Executive, would be as constitutional, and, since it would generally be called under the pressure of some great exigency, at least as important as any other.

Then, did any one pretend that a State would have a right to elect for only one of the two sessions of a Congress? And if a State did so, what should this House decide as to the vacancy thus created? That was the very question it had now to decide. For that session was as legitimate, as constitutional, as the regular session in December: and if a State had a right to contrive its laws so as to defeat or prevent the one, it had the same right in regard to the other.

As a matter of right—of moral competency, at least—nobody, he was sure, for reasons already assigned, would be extravagant enough to contend for any such arbitrary and anti-social power in the Legislatures of the States. At any rate, the wilful exercise of it was not lightly to be *presumed*: the fair conclusion was, in such cases as that before the House, that it was a mere omission, an oversight—an accident, in short, by which a literal interpretation of the State law would be rendered inconsistent with the paramount objects of the constitution. The vacancy must be supposed to have *happened*, in the ordinary sense of the term—that is, to have occurred involuntarily and casually; and, he repeated, it was the very object of that clause in the constitution to prevent the evil consequences of such omissions and accidents. What if the election law of a State had been wholly forgotten in the hurry and bustle of a session of its Legislature? What if, by some casualty, the great seal of the State had not been affixed to it, or some other necessary formality had been forgotten?

But, said gentlemen, all those inconveniences were foreseen and provided against by the same clause of the constitution which vests this power in the States; for it goes on to give the ultimate control over its exercise to Congress, which had only to pass a uniform law upon the subject: and it was asked, Should this extraordinary means of a Governor's writ be resorted to, when another as effectual was at hand?

To this he answered, in the first place, that no ordinary means could preclude all casualties. Mistake, omission, and other accidents just alluded to, would occur in spite of every precaution; and why adopt a construction by which, even under the most pressing imaginable exigencies of society, they could not be obviated, when nothing whatever rendered such a construction necessary, and no inconveniences could possibly result from the opposite and more simple construction? But, in the next place, he proceeded to deny that the reservation to Congress of the power to alter the State laws, in this particular, had the same object as the power conferred upon their Executive authorities to issue a writ for the filling up of vacancies. He admitted that stress was laid, in the discussions that took place while that constitution was under consideration, upon the necessity of reserving the ultimate control to Congress, because, otherwise, it would be competent for the States, by refusing to pass any election laws at all, to create an interregnum in the Government. But he insisted—besides that nothing is more unsafe than to construe a law, not according to its natural import, but by reference to the reported, or even the ascertained, delarations of some of its advocates at the time—that such expressions in the writing and speeches of '88 might be reconciled, without any violence, to his reading of the constitution.

Certainly, in every well-constituted State, there must be election laws—laws regulating the time, place, and manner of exercising the great fundamental right of suffrage—although, as has been shown, that right exists independently of all such laws, and has often, in the history of all free Governments, been exercised without them. Care must be taken that these circumstances be well ascertained, and notified to the electors, in order that there should be no mistake or surprise, and that the result of the election might be in fact, as it was in conclusion of law, a fair expression of the sense of the people. If an election be regularly held in conformity to law, those who vote decide for all. It goes on a necessary presumption, where proof is impossible. But if there be any ground to allege mistake or misunderstanding, or want of notice or information, it vitiates a popular election, and that presumption cannot apply. Hence, the most precise speaker or writer might very well say that to give the States an absolute control over the whole subject of the election laws, was to make Congress dependent for its existence upon their will and pleasure; for it was not necessary here to contend (as i twas thought he did) that the executive authority had

any constitutional right to appoint the time, place, and manner of elections, but only to issue a writ to fill up a vacancy, where time, place, and manner were already fixed by law, as he should presently have occasion to explain more fully. It was, then, in reference to the necessity of *some* legislation upon the subject, which every body would admit was (as a general rule) indispensable, that so much importance had been attached to this clause in the constitution, and such sweeping terms used in regard to it, in the discussions of the day.

But it was further to be remarked that the powers thus reserved to Congress went much beyond that claimed for the State Executive, which was only that of preventing vacancies occasioned by imperfect or perverse legislation of the States. It controlled absolutely the whole subject of congressional elections, with the single exception of the place of electing Senators. That body might, as he had already said, pass uniform laws requiring all elections to be by ballot or *viva voce*—all to be by general ticket or by district—all to be at the same season of the year, &c. It might not only restrain and rectify an unconstitutional exercise of the power of the States in this particular—it might not only supply deficiencies or retrench excesses in it—but might supersede and annul the (otherwise) constitutional exercise of it. It was, therefore, quite natural that it should have been the object of jealous and vehement discussion in a country of such various character and condition, and that, in that discussion, the great prominent objects of the respective provisions should have absorbed the attention of minds engaged in the discussion. Besides, the States demanded the right to regulate time, place, and manner: did they claim that of creating an interregnum in the Government? Among the most extravagant champions of their independence, was *one* to be found who considered *that* as a high privilege, an incommunicable attribute of sovereignty? It was, therefore, easy to explain the fact thus relied on by gentlemen, consistently with the view which he had presented; and he again reminded the House of the cardinal principle of interpretation which required them to lean in favor of admitting every part of the people to its share in the legislative power of the country.

But conceding that, had there been no election law in Mississippi, there would have been a failure of representation, how did that affect the case of an election held under a law, as he had already observed, in exact conformity with it? Had that statute, which actually provides for elections to fill up vacancies, gone on to authorize the Executive to issue his writ in the event of an extraordinary session, it would not have been disputed but that the election had been legal. It has done every thing but that, and yet the omission of such an authority can be supposed to vitiate it. But, in fact, that authorization, had it been expressly given, would have been, according to his previous reasoning, merely superfluous—*expressio coram quæ tacite insunt*—for the Executive derives his power to issue a writ in such a case from the constitution of the United States, and that power could neither be increased nor diminished by any act of the State. Admitting, then, for the sake of the argument, that it could not have been exercised in the absence of all State legislation on the subject,* yet here the State legislation being complete, his power wanted nothing to give it full effect. He issued his writ, and it was executed under the statute. So the President and Senate may make a treaty without consulting the House of Representatives, but should an appropriation be necessary to its fulfilment, the House has the constitutional power of withholding it. Yet the treaty-making power was a substantive, and, except in the case mentioned, an independent one; and, had the supply been voted in advance, it is plain that the House would have no sort of control over its exercise. The distinction is between sharing in a power, and disposing of the means necessary to its effectual operation. The parallel appeared to him to be exact.

As to the precedents cited from the Senate, he contended that they did not apply. First, because there is a remarkable difference in the words of the coustitution in regard to the filling up of vacancies in the two bodies. Secondly, because the mischiefs arising from a vacancy were far greater in a fluctuating body than a permanent one, as he had already had occasion to observe; and, lastly and principally, because there was a still more important distinction between the two cases—a distinction, indeed, so important that, even if the words were precisely the same in the two clauses, different rules of interpretation might fairly be applied to them. When a vacancy occurs in the Senate, the Executive of the State is authorized to make a temporary appointment, until the next meeting of the Legislature—to make an appointment, he repeated, not to summon the Legislature to exercise their right of choice. This was a privilege vested in the Executive, in derogation of the common law of the subject—of the otherwise unalterable right of the Legislatures of the States in this particular. It was, therefore, according to well-established principles, to be rigidly construed. On the contrary, where a vacancy occurred in the House, all that the State Executive was authorized to do was to issue his writ to call together the people to fill it up. This was a provision in furtherance of the common rights of the constituency, making no change whatever in the relation between them and their representative, but simply preventing their being without one. Even, therefore, were the words the same, different constructions might be put upon them, agreeably to well-settled principles of legal interpretation. But how much stronger was the case when they came to collate the two clauses, and to find that the one which, on general principles, ought to be rigidly construed, was conceived in the most precise terms, leaving no doubt whatever of the extent of the power thus conveyed, while the other was just as general and comprehensive as it ought to be, if intended to protect the people completely against all possible chance of an interregnum in the Government.

He then proceeded to notice two objections which had been very much insisted on in the debate.

It was said that, if this view of the constitution were just, every election held after the 4th of March ought to be held under a writ of the Executive, or it was utterly void; and then cases were put of elections required to be held at a certain time by a State law, which should be ordered at another by such special writ.

His answer was, in the first place, that all these difficulties arose, as he had already observed, not out of his reading of the constitution, but out of that adopted by gentlemen, and served very strikingly to expose its unsoundness. If the States so arranged their election laws as to preclude all possibility of an interregnum, no such conflicts could ever arise. But he was willing to go further; he denied that elections held under a law admitting of a vacancy, should an extraordinary session be called, were necessarily void, if no such call were made. To be sure, in the strict technical way of considering these things, in matters of mere *meum* and *tuum*, it might be true that such a law would be pronounced utterly null and void by a court of justice—though there was a decision of a respectable judge* declaring a law good to one intent though void as to another. But this whole subject of elections was, as he had shown, a strictly practical one, over which the House exercised its exclusive jurisdiction, with an enlightened equity and in the spirit of indulgence and accommodation. Were that House a school of sophisters or a chamber of special plead-

* In Hodge's case, the Governor of Pennsylvania fixed the time of the election, and the House ruled that it was competent for him to do so, the statute containing no provision on the subject.

* Washington, J.

ers, these objections of a mere metaphysical exactness might have some weight with it; but he could see no substantial difficulty whatever in acquiescing in election laws of the States, however imperfect, so long as no practical inconvenience arose out of them. The abuse was become inveterate, and *valeant quantum valere possunt*. An extraordinary session was a thing of very rare occurrence; and he was willing to tolerate this irregularity in the legislation of some of the States, provided, in case of such a session, their executive authorities were enabled to issue a writ to prevent a vacancy in the House, and an interregnum in the Government. Indeed, this seems to him strongly to recommend the construction contended for; it reconciled the right of the States with those of the nation, and sacrificed to the convenience of the former every thing but their obligations to the latter—whereas a uniform law passed by Congress to regulate elections would, as he had shown, be liable to many objections.

Lastly, he opposed to the authority of so many laws passed by the new States, and the opinion of their constitutionality that had lately prevailed, the still weightier authority of contemporaneous construction. All the States which formed the constitution, he believed, without a single exception, originally ordered their elections to be held before the 4th of March. The great majority of them still did so; a very few of them had subsequently altered their laws, doubtless because, extraordinary sessions being very rarely called, they had lost sight of the principles involved in the question, and the weighty inconveniences to which he had alluded. This discussion would awaken attention to them, and he was mistaken if the decision of the House in favor of the sitting members would not be universally acquiesced in as the most safe and reasonable practical construction of two apparently conflicting clauses of the constitution.

As to the second part, viz: how far the limitation attempted to be imposed upon the tenure of the sitting members, by the restriction of it to the extra session, in the proclamation of the Governor of Mississippi, was of any legal effect, he thought it resulted inevitably from his previous reasonings that it was of none whatever.

The authority of the State Executive was defined by the constitution from which it was derived. It was to issue a writ to fill a vacancy, without any limitation or condition; not, as in the case of the Senate, to fill a vacancy which should be until a fixed period. Why this express difference, in positive provision, if there was to be none in practice?

Had the Legislature itself of Mississippi ordained that the election of members of Congress in that State should take place generally in November, &c., but should the President convene the two Houses at any earlier period after the 4th of March, limiting the term of service there—that in that case writs should issue for the extra session alone, and another set of members be chosen afterwards for the remainder of the term; every body would agree that such a law was unconstitutional; that the last words either vitiated it entirely, or must themselves be rejected as repugnant and void.

No one, at all versed in such matters, could hesitate which branch of the alternative to choose.

It was a conflict between the general interest and a particular interest, where they could not possibly be reconciled; and the latter must, of course, give way to the former. The people of Mississippi could, in such a case, have expressed their wish to be represented, if possible, on certain terms; but, at all events, to be represented. The House would have to choose between rejecting their members altogether, or admitting them on the conditions prescribed by the constitution. He thought there could be no doubt which it should do, and that every analogy of law, every presumption of common sense, required that the constitutional limitation should be rejected, and not the constitutional act. He compared it to a gift of land to a man and his heirs, with a proviso that it should not be subject to his debts or disposal; a proviso simply void.

He had put the case as strongly as possible for the opposite side. He supposed the people themselves, through their Legislature, to have attempted to impose this unconstitutional limitation upon the tenure of members of Congress—and we there had shown that it was of no effect whatever. He concluded by showing that the objection applied *a multo fortiori* to a proclamation or writ of the Executive of the State. In that case, the people must be presumed to have acted on their own knowledge of the constitution, (which, also, they are presumed, as every body is presumed, to know,) and not on the mistaken views, or arbitrary behests of the Governor.

This point, he repeated, appeared to him perfectly clear. He had no doubt whatever, that if the vacancy were properly filled under a writ from the Executive, it was filled both by the letter and the spirit of the constitution, for the whole term, which no State has any color of right either to divide or to prolong. He might be the more confident in this opinion, because it had been repeatedly established by the highest tribunal in South Carolina, in analogous cases. In those cases, officers whose term of service was defined in the constitution of the States, but who have been commissioned for a different term, had uniformly been remitted to their constitutional tenure.

On the whole, Mr. L. concluded that the sitting members were duly elected for the whole 25th Congress; and, after adding a few words, touching the part which Mr. Claiborne had taken in the North Carolina election as entitling his case to the candid examination of the House, without distinction of parties, resumed his seat.

Mr. UNDERWOOD said that, in reference to this particular election, he could suggest a plausible reason why the present members should retain their seats—a reason which had not as yet been urged, and to which he confessed he should be puzzled to find an objection. It was this: the House of Representatives was composed of members chosen every second year; and the constitution said that the States should regulate the manner and time of choosing them, unless Congress should interfere. The State of Mississippi had acted in accordance with this provision, and had elected her Representatives to serve for the ensuing two years. The time of their election had not yet expired, and if they had been permitted to retain their seats to this period, in that view of the case he would confess that if the objection were urged, he should be puzzled to set it aside. Under the letter of the constitution there was nothing to prohibit it.

Mr. MASON, of Ohio, thought that, if the Governor of the State of Mississippi, with all his legal knowledge, both of the State law and that of the constitution, was of opinion that the terms of election would expire with the present session, (and that was his opinion, he having inserted a clause in the writ to that effect,) then it would be a fair inference to suppose that the people of the State of Mississippi had a similar impression.

Mr. GHOLSON hoped the gentleman would allow him to state that, at the time of his and his colleague's election, there was not the slightest doubt among the people of Mississippi but that, whoever were elected, were elected for the whole term of the twenty-fifth Congress.

Mr. MASON disclaimed any disrespect to the gentlemen from that State, but had merely stated what, in his opinion, was a fair inference, without knowing any thing about facts. He then went on to give his reasons why he could not vote for the resolution reported by the committee. After which,

On motion of Mr. HAYNES,

The House adjourned.

Tuesday, October 3.

## MISSISSIPPI ELECTION.

After the presentation of memorials, the House resumed the consideration of the report of the Committee of Elections, in the case of Messrs. Gholson and Claiborne, of Mississippi.

Mr. HAYNES said that, until particular circumstances had called his attention to the subject of discussion yesterday, he had not intended to participate in it.

In proceeding to examine the claim of the sitting members from the State of Mississippi to seats in this House, two points were presented for consideration. The first and most important is, did such a vacancy exist in the representation as to authorize the Governor to issue his writ of election for filling it? And the second is, admitting such vacancy to have existed, how far is the validity of the election affected by its being limited to the present extra session of Congress by the proclamation of the Governor?

In considering the first question—the question of vacancy—and in the various definitions which honorable gentlemen had given of that term, he thought they had confined themselves to too nice and rigid a technicality. In the clause of the constitution which confers upon the Governor of a State the right, and which imposes on him the duty, to order an election to fill a vacancy in this House, no term of limitation is used restricting that right and that duty to any particular set of circumstances whatsoever. The words of the constitution are: "When vacancies happen in the representation of a State, the Executive authority thereof shall issue writs of election to fill such vacancies." Could language be more broad than that employed by the federal convention in empowering the Governor of a State to fill vacancies in this House? It certainly could not. But, in arriving at a conclusion upon the subject of vacancy or no vacancy, it appeared to him that gentlemen had carried to the consideration of the causes which might produce such vacancy, the same narrow and erroneous notions which had governed their interpretation of the term vacancy itself. They had confined those causes exclusively to the act of the individual incumbent, or the providence of God acting upon him, when it should have been equally applied to those whose duty it should be to see that no vacancy should be suffered to exist without having it immediately filled.

To enable us to arrive at a just conclusion of what was meant by the federal convention in conferring upon the Governor of a State the power of causing vacancies in this House to be filled, it is necessary to inquire into the motive of that body in organizing the Congress of the United States. And what was that motive? In announcing that motive, he would place himself upon ground which he was very sure no gentleman would controvert: that, in creating the House of Representatives, as well as the Senate, it was the purpose of the convention, in each case, to create a perpetual office. That this was the office, is the necessary consequence of their high purpose to create a perpetual Government. They gave to the Senators the term of six, and to the Representatives the term of two years. But as a consequence, too obvious and inevitable to be contested, of creating a perpetual office to carry on a perpetual Government, the succession must also be perpetual. In proof of such intention, various considerations, of a character too irresistible to be denied, may be presented to the consideration of the House. In setting the new system in motion, its operation commenced on the 4th of March, 1789; thus fixing the time from which the constitutional term of the members of the Senate and House of Representatives should be computed. All the elections to Congress were completed in anticipation of it; and, on that day, if he was not greatly mistaken, was the first session of the first Congress commenced, thus fixing the starting point for calculating the commencement of every successive term of service in this House.

In ascertaining the intention of the parties to contract, whether public or private, we might derive instruction from a reference to their practice under it. There were thirteen States concerned in forming the federal constitution, seven of which, together with two others since formed of portions of them, Maine, Massachusetts, Vermont, New York, New Jersey, Pennsylvania, Delaware, South Carolina, and Georgia, now keep up a perpetual succession in this House, sending here one hundred and eighteen out of the one hundred and seventy members who represent the old thirteen States. The intention to preserve the perpetual succession already adverted to, is as plainly indicated in the power conferred upon the Governor of a State to fill vacancies, and that reserved to Congress to legislate in default of State legislation, as it well could have been, so far from there being such repugnance between them as gentlemen have contended for.

The language of the constitution is, "the times, places, and manner of holding elections of Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators." For what purpose could the power be reserved to Congress over time and manner of choosing Senators, and time, manner, and place of choosing Representatives, and the power to fill vacancies conferred on the Governors of the States, unless it was for the purpose of keeping those offices constantly filled? It would seem to be impossible to forego the conclusion that this was the purpose of the convention, and no other. In considering this point, gentlemen seemed to him to have erred in taking it for granted that Congress and the States had done every thing required of them by the constitution, when there had, according to his view of the subject, been a glaring omission by both, in all cases in which the election of Representatives in Congress has been postponed beyond the day on which the constitutional term commences biennially, counting from the 4th day of March, 1789. He therefore came to the conclusion, which he did not believe a proper examination of the subject could resist, that a perpetual office having been created, perpetual succession must follow as an inevitable consequence; and whenever such perpetual succession is broken, either by the act of the incumbent or the constituent body entitled to fill it, a vacancy existed in the contemplation of the constitution, which it is the right, and not only the right, but the duty, of the Governor to cause to be filled, by issuing his writ of election.

But to show the mischievous consequences of the opposite doctrine, it would be sufficient to state that there was an actual House of Representatives in existence, on the 4th of March last, by the previous election of more than one hundred and forty members, making a constitutional quorum for the transaction of business. Suppose some great national contingency had then made it the duty of the President to convene Congress at the earliest practicable period. There was a constitutional quorum for the transaction of business in existence; and no one can deny the constitutional power of the Executive, under the contingency supposed, to call them together. But although a quorum might have been so convened, and might constitutionally have proceeded to transact the public business, a majority of the States would have remained unrepresented for months, unless their respective Governors had issued writs of election, according to the plain intent and meaning of the clause of the constitution requiring them to issue writs of election for filling vacancies in this body.

But there is another view of the subject which bears upon this question. It has been contended that, as the

States are only required to elect Representatives once in two years, the time of election is, with them, wholly a matter of discretion. But this is certainly an erroneous view of the subject, as that discretion was plainly intended to be limited by the necessity of the case; the necessity of keeping a perpetual succession unbroken and entire. By the constitution, no day was fixed for commencing the operations of the new Government. That was settled by an ordinance of the Congress which ceased to exist the moment the federal constitution went into operation; and the 4th day of March, 1789, was the day appointed by them. As the constitution fixed the representative term at two years, and as that term was to date its commencement at the 4th of March, the elections in the several States were intended to conform to it. If this principle should not govern, and a majority of the States postpone, as they now postpone, their elections beyond the day on which the term commences, their Representatives are not elected for the term prescribed by the constitution; and hence we arrive at the result, that in all such cases there is a vacancy, and such a vacancy as is contemplated by the constitution in the clause empowering and requiring their Governors to fill vacancies. If, then, by the negligence of those States and of Congress, the perpetuity of the succession has been broken, how can that deprive a Governor of his constitutional right, or excuse him from his high constitutional obligation to see that the vacancy shall be filled? There is certainly no conflict between the rights of the States or of Congress on the one hand, and the Governor on the other, under this view of the subject. It was made the duty of the Legislatures of the States, and in default of them of Congress, to keep up a perpetual succession in the representative body; and in the failure of either to do so, the right and the duty of the Governor of a State require of him to supply the omission. Nor is this view derogatory to the rights of the people, but in support and affirmance of them. In the case already supposed, or a convention of Congress at the commencement of the constitutional term, according to the doctrine advanced by those who oppose the regularity of the Mississippi election on the ground that there was no vacancy, a majority of the States, under their present election laws, might remain unrepresented for months, and their constituency unheard in this body. But, according to the view presented by him, every State in the Union would be represented with no more delay than might be necessary for their Governor to convene the electors by his proclamation. The conclusion of his argument was, that as the representative office is perpetual, and as that carries with it perpetual succession, if the State Legislature shall so leave it that on the 4th of March, corresponding with the biennial commencement of the representative term in this House, any State shall be unrepresented, a vacancy has happened, on which arises the power and the obligation of the Governor to cause it to be filled. He said he was aware that this might be considered a novel doctrine; but it was the legitimate consequence of his original proposition, the perpetuity of the representative office, and its necessary result of a perpetual succession; and he had already shown that the people were deeply interested in the establishment of the doctrine. If, then, his premises and conclusion were legitimate, there was a vacancy in the representation of the State of Mississippi, requiring of the Governor to issue his writ of election for filling it; that such writ had been issued; the people had assembled at the places, and held the election in the manner required, and, as a consequence, the honorable gentlemen claiming seats in this House as Representatives from that State, are as clearly entitled to them as any members belonging to it. In regard to the second point in the case, the limitation attempted to be imposed by the Governor upon the term for which members were to be elected, it seemed to him to be waste of words to discuss it. There was a vacancy, and a vacancy running to the close of the Congressional term. The Governor was not only authorized, but required, to issue his writ of election to fill it. He did issue that writ, and because of the attempt to limit the term to the present session, will any one seriously urge that the whole proceeding is vitiated by it?

For whose benefit was that election ordered to take place? For the people of Mississippi. By whom was it conducted? By the people who were interested in it. And, so far as we are informed, the whole canvass was conducted with a perfect understanding, that the election would cover the remainder of the term of the twenty-fifth Congress. And, more, the canvass was animated, the election was full, and decided by a large majority. Who then will have the hardihood to say, because the Governor, in performing his constitutional duty of ordering an election to fill a vacancy, attempted to limit and control the duration of that vacancy, that the full and free expression of the public will of the State of Mississippi shall pass unregarded in this House? For his own part, in every question involving the rights of the people, he should always be found in support of those rights to the best of his ability.

Mr. SLADE contended that neither the resolution nor the amendment took the true ground. He did not believe that the members elected were entitled to hold their seats during the entire continuance of the 25th Congress, and he did believe they were entitled to seats at the extra session; and if any gentleman would bring forward a proposition to this effect, he would vote for it. He was not in favor of the amendment, but if he was compelled to decide between it and the original resolution, he would be compelled to vote for it. From the most careful examination which he could give the subject, he had come to the conclusion that such a vacancy had happened as was contemplated by the constitution. He contended that the Governor had the power to fill up this vacancy, by issuing his writ of election to fill the vacancy until the time of the regular election under the constitution of the State, and went into a lengthy argument in support of this view of the case.

Mr. TILLINGHAST thought it perfectly manifest that the people of Mississippi intended to have Representatives in Congress at the present extra session, and he was glad that by the rules of the House the gentlemen were permitted to take seats at the present session of Congress, because he was always willing to take into account the will of the constituency. It was assumed, however, that the people believed, at the time of the election, that they were electing Representatives for the twenty-fifth Congress; but this he took to be an improper assumption; because the people were only authorized by the Governor to vote for members to the extra session of Congress, and therefore it was but fair to presume that the people were not generally of opinion that they were electing members for the whole of the twenty-fifth Congress. They were led to believe, by the proclamation of the Governor, that the term of those they were voting for would expire at the time when the existing law of the State provides that the election for members of Congress should take place. He contended that it was not in the power of the Governor to authorize an election for the whole of the 25th Congress; because, if the Governor was clothed with this power, he could set aside the laws of the State entirely. He contended that the real difficulty in relation to the Mississippi election was defective legislation; because the Legislature had not provided for the exigency which might arise in case of a call of an extra session of Congress immediately after the fourth of March. It appeared to him that the proper course would have been for the Governor to call the Legislature to provide the means of filling up the vacancy which had occurred, and cited the late election in Rhode Island as an illus-

tration of his idea. There the Legislature provided for the case of an earlier election of Representatives to Congress, and no one dreamed that this difficulty would be remedied by the Governor issuing his writ of election to supply the vacancy.

Mr. HOWARD addressed the Chair as follows:

I am not disposed, sir, (said Mr. H.,) to repeat arguments which have been already urged with great effect by those who have preceded me in this debate. The points involved in the case have been fully stated, and, indeed, the speech of the honorable gentleman from Virginia, [Mr. Pennybacker,] a member of the Committee of Elections, left but little original matter to be urged by those who might be inclined to follow him upon the same side of the question. The fairness with which he stated the case, and the logical comments which he made as he passed its different branches under review, almost exhausted the argument, and only a little gleaning can be found, here and there, lying upon the field which he traversed. He has reversed the example of the benevolent Jew in scripture, and instead of purposely leaving an occasional handful to be picked up by the humble and industrious gleaner, as a reward for patient toil, he has scarcely left enough to make, when collected, a single sheaf. Unwilling to seize upon the produce of another man's labor, by appropriating to my own use an entire shock, as is too often done in this House, I should have remained a silent spectator of the scene, if it were not that I have been induced to explore for myself a corner which has hitherto escaped observation, the result of which inquiry I will bring particularly to your notice, after some general observations upon the subject.

The facts in the case are few and admitted. The Legislature of Mississippi omitted to provide by law for holding an election for members of Congress, in case a special session of that body might be convened by the President before November, and the Governor ordered an election to be held, directing that the persons chosen should retain their seats until the recurrence of the regular election, in November, and two members are now in their seats in this body under that proceeding. Are they members of the entire twenty-fifth Congress, or for a part of it, or is the whole election void? These are the questions which we must consider, and reply to one or other of them in the affirmative. There is no other choice. We must select out of the three positions any one that we prefer, upon which our judgment can rest with the greatest degree of satisfaction. But, although we are presented with three opinions, (not concurring in the propriety of the phrase, three alternatives, I will not use it,) yet it is remarkable that, when we come to vote, we must discard one, and choose between the remaining two. A majority of the Committee of Elections have reported a resolution declaring that the election is valid, and that the members chosen under it must hold their seats for the entire term of the twenty-fifth Congress; and a minority have reported a resolution declaring the election to have been totally void. No one has proposed to amend either one, so as to obtain a vote upon the proposition that the sitting members are entitled to their seats until November, and no longer; and until some one shall offer such an amendment, there is no basis upon which those who hold such an opinion can express it by their vote, and the House, therefore, must select, according to its best judgment, one of the only two propositions before it. The gentleman from Vermont, [Mr. Slade,] who has just addressed the Chair, showed a desire to rest his vote upon this theory, but abstained from drawing it forth from the shadowy obscurity in which it now lies, by presenting it in the form of a distinct proposition. It is not difficult to account for his reluctance to adopt the report of the minority. The high authority of one of the most distinguished jurists that our country has ever produced, and who was known to be a favorite politician with that gentleman, is directly in his path; and I am not at all surprised that his respect for the character and attainments of the late William Wirt was too strong to permit him to run counter to the recorded opinion of that distinguished man. I shall have occasion hereafter to refer particularly to that opinion, and only allude to it now to show its power in driving from a concurrence with the report of the minority all those who attach any value to his construction of the constitution, even although they take refuge in a theory so unsubstantial that no one will call upon the House for a vote upon it. It is not worth while to consume time by attacking a hypothesis in which its own friends do not appear to have the slightest confidence; but I must be permitted to remark, that the doctrines which would break up the constitutional term of service of the members of this House into any number of long or short periods, according to the humor or policy of every State, seems to be as new as it is visionary. For wise purposes, which it is easy to see, the framers of the constitution directed that we should perform the duties appertaining to our stations here for two years, and we have taken upon ourselves the high responsibility of executing these important trusts in the face of the nation, anxiously watching every step that we take. The obligation rests upon every State in the Union to be represented here, and it cannot fulfil it by instalments, by portioning out the debt which it owes to its sister States, and discharging a little at a time. The whole House has a right—the whole nation has a right—to the benefit which the experience of even some months may confer upon the members of this body. The measures which may be proposed and discussed, must be decided upon by the same individuals who have assisted in proposing and discussing them. We come in together and must go out together. We resemble, in this respect, the changes of horses in a stage coach; and the idea that a part of us can serve but for a portion of our legislative journey, then to be superseded by fresh comers, is as unfounded as it would be ridiculous to stop a coach at every mile to change a single horse in the team. But, as I have already remarked, whilst members upon this floor are using this theory in debate, no one has sufficient reliance upon its correctness to call for a vote of the House upon it. I will therefore dismiss it from further consideration.

Whilst listening to the arguments by which the friends of the two propositions before us sustained their respective opinions, there was one reflection which pressed itself upon me. It was this. Both sides agree, as they ought to do, in attaching primary importance to the wishes of the people of Mississippi, and profess themselves desirous to carry that will into effect, if they can only find out what it is. One expression of their wish is admitted on all hands. All agree that the people of that State intended to be represented here at this extra session, and made every effort in their power to be so. Those who advocate the report of the minority, and are willing to declare the election totally void, of course intend to shut the doors of this hall upon the sitting members from the moment that the resolution passes. If we adopt it to-day, they cannot come among us to-morrow, and Mississippi would have no Representatives here. So far, then, as the people of that State have expressed a clear desire, about which there is not, and cannot be, any controversy, to have a share in the important decisions of this extra session, just so far must we allow that expression to have controlling influence in the vote which we may give, provided that vote be regulated solely by a regard to their wishes. What then is the attitude of the two parts of the House? Let us see how they stand as to the observance of the will of the people of Mississippi. Two gentlemen present themselves here on the first day of the session, having filed their credentials with the clerk, and offer to be sworn in, as usual. No opposing claimant appears. No petition is presented from a single man in

Mississippi, contesting their seats. The day upon which Congress was to meet was notorious, known probably to every voter in the State; and yet no voice is heard from that quarter, casting a suspicion upon the integrity of the election. A member of this House, actuated apparently by a greater zeal for the preservation of the elective franchise and laws of Mississippi than was felt by any citizen of that State, rises an interposes an objection to those two gentlemen taking their seats; and that, too, before the facts in the case were known, or could be ascertained by any impartial tribunal, owing to the imperfect organization of the House. The people of Mississippi were supposed to be so indifferent to their own rights, or so incapable of asserting them, that it became necessary to assume a guardianship over them to protect their injured innocence. The House, however, rejected this monstrous interference, and wisely reserved the consideration of all questions that might grow out of the election, until the facts could be settled by a committee. The business of the session went on. Still no competitors for the seats appeared. No petition was presented contesting the election. The people whom these two gentlemen claimed to represent, seemed to be satisfied, as far as silence can be construed into acquiescence; and, in these days of freedom of speech, men are not apt to remain silent where they think there is cause of complaint. At the request of these members themselves, the Committee of Elections were directed to look into the matter, and up to this moment of discussing the two reports which they have given us, not even a half-stifled hum has been heard in Mississippi expressive of discontent with the election: and yet this spotaneous guardianship continues to be exercised for the protection of the rights of those people, and we are urged, out of great tenderness towards them, to declare an election void which they have made, lest, forsooth, we may violate their will by confirming it. Do the gentlemen who thus argue feel with Bassanio, when he is addressing Portia, that they are inclined

> "To do a great right, do a little wrong,
> And curb this cruel devil of his will?"

Are they dissatisfied with the manner in which the election has resulted, and would gladly seize upon any reason for trying it over again? I will not suppose it; but it is a singular coincidence that every member of this House who has addressed it upon this subject, who is of different politics from the two members returned from Mississippi, is in favor of setting aside their election. I can readily understand how there should be a difference of opinion upon the constitutional point involved in the case, upon which I mean to touch presently, but I cannot consent that they should place the vindication of their course upon a desire to carry out the popular will. Suppose, sir, that we adopt the resolution of the minority of the committee and declare the election void; and suppose that the people of Mississippi could interrogate us why we had done so. If we answered that we had paid respect to their will, they would reply that their will was to be represented at this important extra session, and that we knew it; for we do know it, and all admit it. If they pressed the inquiry still further, and asked why we had destroyed the political existence of those to whom they had shown themselves wedded, would it do to reply as Richard does to Lady Anne, when she upbraids him with destroying her spouse, that he "did it to help her to a better husband?" Are gentlemen such devoted friends and lovers of the people of Mississippi, that they would put out of the way the object of their choice, in order to give them a chance of making a better selection? I think that they would not be as placable as was the lady. They would be apt to reject the doubtful friendship of their self-appointed guardians, who, from a nervous apprehension lest those people may be injured in their rights, at once disfranchise them; and, from a morbid sensitiveness lest their free suffrage may be endangered, turn the acknowledged members of their choice out of this hall for the remainder of this extra session. Whether we may remain here for a longer or shorter period of time, makes no difference in the argument. It is certain that we shall have to decide some important questions which will be closely contested, and the absence of two members may decide the fate of measures to which the whole country is looking with deep anxiety; and, besides, the question of time can have no bearing upon the point which I am now considering. I am endeavoring to show that, inasmuch as it is admitted, upon all hands, that the people of Mississippi have clearly shown their wish to be represented here during this extra session, and those who sustain the report of the minority, which sets the election aside, are, of course, for ejecting the sitting members forthwith, it will not do for them to rest the justification of their proceeding upon the ground that they are anxious to carry into effect the will of that State. They are committing the very act which they profess to be anxious to avoid. Whilst they are urging upon us their extreme care to follow the popular will, they are forcibly divorcing the people (as the use of this word finds its way into every subject at this session) from the object of their choice; and, as gentle dissuasives will not succeed, they apply the figurative wedge and sledge-hammer violently to separate those who are living voluntarily in close alliance. Sir, let the supporters of the minority report rest their arguments upon a refined and technical construction of the constitution, but let them not assume the untenable position that they are acting in conformity with the will of the people of Mississippi.

But it is said that although it is admitted that an election was held for the present extra session, yet there is no evidence that there was any intention on the part of the people that the term of service of the sitting members should continue any longer than that time. I grant that it is not easy to ascertain how this is; but still there is enough from which to draw a satisfactory conclusion. One of the sitting members has publicly declared, in his place, upon his responsibility as a member of the House, that, during the canvass, no other opinion was expressed from any quarter than that the election was for members of the 25th Congress; that the candidates and voters universally so considered it. We know, also, that the presses upon both sides spoke of it in the same way; and we have a still stronger evidence of what the public opinion was, and is, in the fact that at this moment there is only a single candidate in the field for the November election; and his is rather a continuance of the former canvass than the institution of a fresh one. If the general belief was that the sitting members would hold their seats only until November, it is impossible that such a degree of languor should now prevail. On the contrary, the parties who fought so fiercely in August would have already buckled on their armor for another battle in November, more particularly when the victors were enjoying, not their spoils, but their well earned honors, at this distance from the theatre of action, and when their absence must necessarily paralyze, in some degree, the efforts of their political friends. I rely upon these evidences, slight as they may be regarded, with the more confidence, as no evidence at all is offered to maintain the opposite position, except the mere proclamation of the Governor, the effect of which upon the formation of public opinion is nothing but conjecture. In all cases of contested election, this House has very properly endeavored to ascertain what the intentions of the people were, and has disregarded technical objections as to mere forms. If the two questions of "what did the people mean to do," and "what have they done," can be satisfactorily answered, the decisions of the House have invariably corresponded with those intentions and acts. In this case, therefore, we may sum up the points thus: if we adopt the report of the majority, we place the sitting members in

their seats for the extra session, which the people of Mississippi clearly intended, and confirm them in their seats for the residue of the Congress, about which some doubt may exist as to the intentions of the people, and, of course, it becomes a question of evidence. If, on the other hand, we adopt the report of the minority, we eject these members from their seats forthwith, which the people of Mississippi clearly and admittedly did not intend, and put those people to the trouble of another election, respecting their desire for which great doubt must also exist, as it too is a question of evidence. In the former course we are perfectly certain of conforming to their will as to a part of our decision, and in the latter we are equally certain that we violate it. If, therefore, we are guided solely by a regard for their will, can we hesitate which to adopt?

But I concede that there is something more in this case than the single point which I have been considering. My object hitherto has been to show that the ground assumed by the friends of the minority resolution will not bear them out as far as that point is concerned. Let us see whether any other position is stronger.

The Legislature of Mississippi, by some unaccountable oversight, omitted to vest the Governor with the power which all other Governors possess under the laws of their respective States, of ordering an election for members of Congress, where a special session may be called for a day anterior to that designated in the law of the State, as the one on which the regular election is to be biennially held. The Governor thought that he found an authority for so doing in the constitution of the United States, but thought also that his power under that instrument only extended to filling up the vacancy until the recurrence of the election at the usual time, and issued his proclamation and writ accordingly. As all the arguments of the friends of the minority resolution deny the existence of any power in the Governor, whether he had issued his writs for the entire 25th Congress or only a portion of it, I shall not consume time in examining the precise effect of the writ which he actually did issue; because, by contesting his authority to order an election at all, the opposite side appear to attach no importance to the mode in which he exercised his power, and therefore seem to acquiesce in the conclusion to which the majority of the committee come in their report, of rejecting a part of his writ as surplusage. The question is, then, whether the Governor had any authority to order an election.

In the second section of the first article of the constitution of the United States is found the clause which is the fruitful theme of this prolonged debate:

"When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies."

It is agreed on all hands that this clause is not a dead letter, but that it confers some power of some kind upon the Governors of States; but it is argued that the power extends only to issuing writs of election to fill vacancies which "happen," and much subtle refinement is resorted to in order to draw the line of distinction between those which do and those which do not "happen." And it is further said that the term "vacancy" is not applicable to the condition of the representation from a State when the period of service of former members has expired, and before the election of their successors. With regard to the first position, I will not repeat the conclusive lexicography of the gentleman from Virginia, [Mr. Pennybacker,] but content myself with saying that it certainly has not been, or I believe attempted to be, answered. If the meaning of words is to be judged of by authority, the books which he has produced conclusively show that the word "happen" expresses a genus of which "chance" is only a species. No matter what may be the cause of the vacancy, whether it has occurred by "chance" or "design," or the expiration of a term of service, the generic word equally includes it; and those who framed the constitution could not, by the most assiduous study, have discovered a word more comprehensive in its signification than the precise one which they adopted. I leave this branch of the argument where that honorable gentleman placed it, deeming it impossible either to make it more clear or refute it.

But, it is said, also, that there was no "vacancy" in the representation from Mississippi; that a vacancy can take place only when a member elect dies, or resigns, or removes, and that it cannot be created by the expiration of a term of service. For this limitation of the meaning of the word, no grammatical authority is adduced; but it rests upon the arbitrary assertion of those who so construe it. I should rather define "vacancy" to mean the absence of something which ought to be there. The limited meaning which is given to it is contrary to common sense; and indeed, no grammatical definition of it has been attempted to be given. All that is said is, that the case is not included within it. Let us suppose that the resolution of the minority should be passed to-day, and that, on to-morrow, when no person was in the occupancy of the chairs which are now so worthily filled by the two gentlemen from Mississippi, an inquirer should ask of the gentleman from Ohio, for example, where was the delegation from Mississippi; he would be bound to reply, as he has said in his argument, there is no "vacancy" in the representation from that State. But the incredulous interrogator would proceed; there is nobody in those chairs, and they are appropriated to the use of that delegation. Still my learned friend would be obliged to insist upon it, that there was no vacancy in that representation. It is true, he would say, that Mississippi has no members upon this floor in those chairs, or any where else; but I tell you there is no vacancy, because she elected members to the last Congress, and has not elected any to this; therefore, there is no vacancy. Do you not perceive, sir, that this is the inevitable result of the argument upon the opposite side? Because, if there was no vacancy when the Governor issued his proclamation, there is none now; and yet, see how impossible it is to convince the eyes of the truth of the argument addressed to the ears. I say, therefore, that this construction of the constitution is contrary to common sense, however strongly it may be supported by technicalities, and I am no advocate for adopting refined and scholastic subtleties, as the proper means of interpreting an instrument which was intended to be understood by plain men in regulating the business of life.

I wish, however, to refer you to the journal of the convention which framed the constitution, in order to show that the meaning which we now give to the clause which I have quoted, is the one which they attached to it, when it received the assent of that distinguished body. But before I do this, let me refer very briefly to the opinions of two gentlemen of acknowledged talents who have, at different periods, filled the office of Attorney General, as there is an entire harmony between the conclusions which they have drawn from a cautious inspection of the constitution as it is written, and the design, of those who made it, as manifested by the history of their proceedings. I propose to touch very summarily upon these opinions, because other gentlemen have examined them more fully, and I desire to avoid the repetition of what has been already, and no doubt better, said. In October, 1823, and July, 1832, cases occurred in the administration of the Executive authority, which drew from those who occupied, at those times, the situation of Attorney General of the United States, elaborate opinions upon the construction of that part of the constitution which empowers the President "to fill up all vacancies that may happen during the recess of the Senate." It will at once be perceived that there is a strong analogy, although not a perfect identity, between the meaning of

this word "happen," in this clause of the constitution, and the one which we are considering; because, under both, the argument is, that a case where there is no incumbent in office, owing to the expiration of a term, is not included within either clause. But Mr. Wirt says, "The substantial purpose of the constitution was to keep these offices filled, and powers adequate to this purpose were intended to be conveyed. But if the President (and the remark is equally applicable to the Governor of a State) shall not have the power to fill a vacancy thus circumstanced, the powers are inadequate to the purpose, and the substance of the constitution will be sacrificed to a dubious construction of its letter."

He comes to the conclusion, that if the vacancy is found to exist, the constitutional power of providing for its being filled is immediately applicable, and adds:

"This seems to me the only construction of the constitution which is compatible with its spirit, reason, and purpose, while, at the same time, it offers no violence to its language; and these, I think, are the governing points to which all sound construction looks."

Mr. Taney, in 1832, concurred in opinion with his predecessor, without knowing, however, that Mr. Wirt had expressed it, because it was not until he had prepared his own, that an examination into the files of the office resulted in the discovery that Mr. Wirt had been called upon by the then President for an opinion in a similar case.

Mr. Taney says:

"The words used in the constitution do not, I think, by any fair construction, require a distinction to be taken. It was intended to provide for those vacancies which might arise from accident, and the contingencies to which human affairs must always be liable. And if it falls out that, from death, inadvertence, or mistake, an office required by law to be filled, is, in the recess, found to be vacant, then a vacancy has happened in the recess, and the President may fill it. This appears to be the common sense and natural import of the words used. They mean the same thing as if the constitution had said 'if there happen to be any vacancies during the recess.'"

I propose now to show that the framers of the constitution intended to attach this meaning to the kindred clause which is to govern our decision in the case before us, and this intention is to be drawn from the proceedings of the convention, which I examined for the satisfaction of my own judgment. If it had not been for the purpose of bringing this point before the House, I should not have interfered in the debate, as I stated in the outset of my remarks; but, having once taken the field, I must go through the campaign, skirmishing with all those adversaries whom I may "happen to encounter."

The convention which framed the constitution pursued the following judicious mode of proceeding. They first settled general principles in Committee of the Whole, and then appointed five of their body to revise the style of the articles agreed upon, but without alteration of the meaning, and to arrange them under proper heads. This was the extent of their duty. The committee consisted of Mr. Johnston, Mr. Hamilton, Mr. G. Morris, Mr. Madison, and Mr. King, who reported the revised draught on the 12th of September, 1787, which contained the clause in the first article, word for word, as we now find it in the constitution, viz:

"When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies."

The argument of the friends of the minority report of the Committee of Elections is, that this is a conditional grant of power or imposition of duty upon the Executive authority of a State, taking effect only when vacancies "happen," and not applying to a case where a vacancy is created by the expiration of a term of service, as it cannot then be said to "happen," it not being the work of chance or accident. I find, on looking over the journal, that when the convention was employed in settling the principle which they meant to establish, on the 6th of August, they expressed it in these words:

"Vacancies in the House of Representatives shall be supplied by writs of election from the Executive authority of the States in the representation from which they shall happen."—*Elliot's Debates on Federal Constitution, vol. 1, page 256.*

Every one must see at once that the only difference between these two sentences is, that the latter excludes the construction which the friends of the minority report wish to apply to the former, and that this vexed article is made to express the very idea which Mr. Wirt and Mr. Taney contended should be applied to another clause upon the same subject, coinciding precisely with the interpretation which those who think with me allege should be placed upon it. Without resorting to a strict grammatical analysis, every unprejudiced mind would agree at once, as it seems to me, that the original draught meant to provide for the filling up of all vacancies, no matter from what cause, or when they might occur; and this inference is impregnably fortified by a closer examination. The word "when," which is considered as drawing after it a limitation of power, by admitting only a certain class of cases, and excluding others, is not found in the first draught; and the word "happen" is detached from the important noun "vacancies," whose comprehensive meaning it is said to control, and made to assume an humble and merely an explanatory duty. I repeat that the idea intended to be advanced by the framers of the constitution is found in the original draught; for I find that the committee of five were appointed "to revise the style of, and arrange, the articles agreed to by the House;" and I cannot find that, in a single instance, they departed from this secondary duty. No fault appears to have been found with them on account of any aberration from the principles which the convention had previously adopted; and, in fact, they had only to paint and furnish the House which had been built, without interfering with the order of its architecture. I hold that, as statesmen, we are not only at liberty, but bound, to follow the intentions of those who prepared the constitution, and think that they are sufficiently manifest from the authority which I have adduced.

Whilst upon the subject of authority, I beg leave to refer to one quoted by the honorable gentleman from Ohio, [Mr. Mason,] who has read an extract from Judge Story's Commentaries on the Constitution. The part upon which he relied was the following:

"By 'vacancies' they understood to be meant vacancies occurring from death, resignation, promotion, or removal. The word 'happen' had relation to some casualty not provided for by law."—*Story's Commentaries, vol. 3, page 411, book 3, section 1,553.*

I have too much respect for the learned judge whose opinion is thus brought before us, to pass it over without notice. But the honorable gentleman made only an extract from an entire passage, which, when considered as a whole, will be found not to bear upon the question before us. He violently tore off a limb from the body; and I beg leave to replace and bandage it up, binding the bleeding fracture as well as my poor surgery will permit, in order to present to view the unmutilated subject in a perfect form. The entire passage is this:

"The language of the clause is, that the President shall have power to fill up 'vacancies' that may happen during the recess of the Senate. In 1813, President Madison appointed and commissioned ministers to negotiate the treaty of peace of Ghent during the recess of the Senate; and a question was made whether he had a constitutional authority so to do, there being no 'vacancy' of any existing of-

fice, but this being the creation of a new office. The Senate, at their next session, are said to have entered a protest against such an exercise of power by the Executive. On a subsequent occasion, (April 20, 1822,) the Senate seem distinctly to have held that the President could not create the office of minister, and make appointments to such an office during the recess, without the consent of the Senate. By 'vacancies,' they understood to be meant vacancies occurring from death, resignation, promotion, or removal. The word 'happen' had relation to some casualty not provided for by law. If the Senate are in session when offices are created by law, which have not as yet been filled, and nominations are not then made to them by the President, he cannot appoint to such offices during the recess of the Senate. In many instances, where offices are created by law, special power is, on this very account, given to the President to fill them during the recess; and it was then said that in no other instances had the President filled such vacant offices without the special authority of law."

It will be observed that Judge Story referred to what he supposed to be the opinion of the Senate upon the point whether the President could appoint to an office then created for the first time—a question very wide of that now before us. The office of a Representative from Mississippi was not to be created when the Governor issued his proclamation for an election. It had been created some years before, when that State was admitted into the Union, and had been often filled. The point which the judge was discussing, therefore, had no analogy at all to that before the House.

[Mr. Mason, of Ohio, had read, in the course of his argument from Judge Story's Commentaries on the Constitution of the United States, the following paragraph:

"The language of the clause is, that the President shall have power to fill up vacancies that may happen during the recess of the Senate. In 1813, President Madison appointed and commissioned ministers to negotiate the treaty of peace of Ghent, during the recess of the Senate; and a question was made, whether he had a constitutional authority so to do, there being no vacancy of any existing office, but this being the creation of a new office. The Senate, at their next session, are said to have entered a protest against such an exercise of power by the Executive."

Mr. Adams now rose, and said that he had not intended to take any part in this debate, but that the reference of both the gentlemen to a question in which he had been personally concerned, and to an erroneous statement in the commentaries of the learned and highly respectable judge, made it his duty to apprize them and the House there was in this statement an error, not of the judge, but of his informant, whoever he may have been. The language of the book is "the Senate are said to have entered a protest;" by whom *said*, the book does not state. But, by whomsoever said, it was a mistake. No such protest was, in that case, ever entered by the Senate.

The facts of the case were these: Immediately after the declaration of war between the United States and Great Britain, in 1812, was known at St. Petersburg, the Emperor Alexander offered his mediation, for the negotiation of a peace between them. This proposal was made by his minister, Mr. Daschkoff, to the Secretary of State, Mr. Monroe, on the 8th of March, 1813, four days after the close of the session of Congress. Perhaps imagination could not invent an occurrence better suited to illustrate the importance of that provision of the constitution which gives to the President of the United States the temporary appointment to executive offices during the recess of the Senate. Here was an opportunity providentially presented for putting an end to a formidable and calamitous war. The mediation of the Emperor was immediately accepted. The appointment of a minister or ministers for conducting the negotiation was indispensable. If the President had no power to make that appointment during the recess of the Senate, two months at least must have been lost before that body could be convened, for the single purpose of giving their advice and consent to the appointment. The nation, then, would have been two months suffering all the horrors and desolations of a cruel war for want of an organized power to make peace. For in this, as in every question of constructive powers, we should never lose sight of the consideration that the denial of an organized power competent for efficient action, is a denial of the power not only of the functionary to exercise it, but of the nation for whose benefit the power is to be exercised. In that case, the impotence of President Madison to appoint ministers till the Senate could be convened, would have been, during the same term of time, the impotence of the nation, in the midst of war, to make peace. Impotence, not by the weakness of the nation—not by the refusal of the enemy to negotiate—but by the neglect of the nation to organize her own institutions with powers essential to her safety, and perhaps even to her existence.

On the 24th of May, little more than two months after the offer and acceptance of the Russian mediation, Congress assembled, and on the 29th of May, President Madison sent a message to the Senate announcing that commissions had been granted during the recess of the Senate to Albert Gallatin, John Quincy Adams, and James A. Bayard, to be, jointly and severally, Envoys Extraordinary and Ministers Plenipotentiary to negotiate and sign a treaty of peace with Great Britain, under the mediation of the Emperor of Russia; to negotiate and sign a treaty of commerce with Great Britain; and the said John Quincy Adams, Albert Gallatin, and James A. Bayard, to be, jointly and severally, Envoys Extraordinary and Ministers Plenipotentiary to negotiate and sign a treaty of commerce with Russia, and that he nominated them to the Senate for those respective offices.

On the 19th of July, 1813, the Senate rejected the nomination of Albert Gallatin, on the ground that he held the office of Secretary of the Treasury, and of their opinion that the two offices ought not to be held by one person at the same time. They advised and consented by nearly unanimous votes to the two other nominations.

On the 29th of July thereafter, Mr. Gore, a member of the Senate, in opposition to the then executive administration, presented to the consideration of the Senate five resolutions, the first of which was in the following words:

"The President of the United States having, by the constitution, 'power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session'—

"*Resolved*, That, in the opinion of the Senate, no such vacancy can happen in any office not before full."

The subsequent resolutions proceed to censure the commissioning of the three negotiators to treat for peace, declaring that their offices had not been before filled; that they were unconstitutional without the advice and consent of the Senate. That the Senate reluctantly protested against them, and that they should be communicated, by a committee of the Senate, to the President of the United States. The resolutions were laid on the table without debate, and were no further acted upon at that session, which closed on the second of August of that year.

At the next ensuing session of Congress, on the 28th of February, 1814, Mr. Gore again presented to the consideration of the Senate, in session upon executive business, the same series of resolutions.

They were then ordered to be printed, to be discussed with open doors, and made the order of the day for the ensuing Monday, the 7th of March. They were accordingly then taken up, and, after sundry postponements, and full debate, the further consideration of them was, without call for the yeas and nays, postponed till the first Monday of December then next. They were never after resumed.

There was, no doubt, on that occasion, a thorough and searching discussion, by the Senate, of the extent of the rightful power of the President to fill vacancies *happening* during the recess of the Senate. The question was stated with great address in the first resolution of Mr. Gore, assuming that no vacancy could *happen* in an office not *before* filled. But the fallacy was in that assumption. It was a *petitio principii*, or begging of the question. It is not necessary to constitute a vacancy in an office, that it should have been *before* filled. It would be more correct to say that the office is always vacant when it is not filled.

There was, then, no protest entered by the Senate against the appointment during the recess of the negotiators of peace in 1813: never was an occasion, when the *reason* for the exercise of that power of temporary appointment was more forcible, and the appointment itself more indispensably necessary. Far from entering a protest, the Senate, after long, ample, and repeated deliberation, discarded the proposal for it by postponement to the first day of another session.

There is no doubt that the word *happens*, like multitudes of others, we might almost say all the words of every language, has various meanings and modifications of meaning. It is sometimes used to denote *incident*, and sometimes *accident*. It sometimes, perhaps generally in colloquial usage, imports some indefinite agency of chance, something fortuitous; but men who entertain a serious conviction of religious truth believe that chance has no agency in the affairs of this world, that there is nothing fortuitous, and that whatever *happens* is but the orderly disposal of events by an overruling Providence. The common scriptural expression synonymous with *happens* is, "it came to pass;" and perhaps the English translators of the Bible used those words instead of "it happened," for the express purpose of excluding the possibility of an inference, from the shade of casualty usually included in the meaning attached to this word, that there is any thing like chance in the government of the universe. A vacancy therefore *happens*, when it comes to pass; and whether caused by the resignation or death of an incumbent, by the expiration of the official term, or by his removal at the pleasure of him from whom the appointment was received, from whatever cause the vacancy proceeded, whenever it exists, it *happens*.

It is said in the passage quoted from the Commentaries of Judge Story, that the reason for the question made in the Senate, whether the President had the constitutional right in 1813, to appoint, during the recess of that body, ministers to negotiate a treaty of peace, was, that there was no vacancy of an existing office; but that this was the creation of a new office. This again was a mistake. The offices of public ministers of all denominations are created, not by the constitution or statute laws of the United States, but by the laws of nations. They are recognised as existing offices, and the mode of appointing them is prescribed by the constitution. The particular Government to which a minister is accredited, or the particular negotiation with which he may be charged, forms no part of the *creation* of the office. The office always exists. It belongs to the intercourse of peace and war between sovereign communities. But it is an office of occasional and voluntary recourse; vacant whenever, in the judgment of the competent authority, there is no adequate motive requiring that it should be filled, and forming a vacancy to be filled whenever the occasion arises for filling it. With this view, the vacancy in the office of ministers to negotiate for peace in 1813 happened at the moment when the proffered mediation of the Emperor Alexander was accepted, and that was during the recess of the Senate. Nor was this the only occasion upon which, in the discharge of public duties, I have been called to act upon this understanding of that constitutional provision. This is the sense in which I have always understood it, and it has been so understood by every President of the United States, from Washington down.

It is, indeed, stated in Marshall's Life of Washington, that on one occasion, when he inclined to depute an envoy extraordinary to France, for a particular purpose, who should be united with the actual minister, (Mr. Monroe,) this objection was suggested, that during the recess of the Senate the President can only fill up vacancies, and the appointment of a minister when no vacancy existed might be supposed to transcend his powers. From respect to this construction of the constitution, therefore, he recalled Mr. Monroe to make a vacancy, and then appointed General Charles Cotesworth Pinckney to fill it.

Sir, it was the most unfortunate measure of his administration. The suggestion was not of his own mind. That was, to have joined Mr. Monroe in the negotiations with General Pinckney, which would, in all probability, have saved us from a quasi war with France, and would have been kind and generous to Mr. Monroe. The substituted expedient was not so. A stronger illustration of the incorrectness of that construction could scarcely be given. President Washington did not respect it in other cases when it was not suggested to him as an objection. He made several original appointments in the recess of the Senate to offices existing by the laws of nations.]

Mr. Howard resumed. I am glad, sir, that my remarks have drawn out this opinion from the honorable gentleman from Massachusetts, since his opinion on the subject of vacancies coincides with my own. Perhaps this interpolation may be considered by some as the best part of my speech. But the honorable gentleman has also, by showing that Judge Story was mistaken as to the fact upon which he built his argument, totally demolished the fabric upon which the gentleman from Ohio [Mr. Mason] reposed in fancied security. It was swept away.

[Mr. Mason explained, and contended that the remarks of the gentleman from Massachusetts had not affected the argument he had used, or the authority he had referred to.]

Mr. Howard proceeded. It seems to me that if Judge Story placed dependence upon an opinion of the Senate, without even expressing his own, and if it now appears that the Senate had given no such opinion, there was very little left of the authority which the gentleman quoted with such emphasis. This is a matter for the House to decide upon. I dismiss the subject.

It appears strange, at first view, that this question has never arisen before; and that now, for the first time, a power was claimed on behalf of a Governor of a State under the federal constitution. The reason why the case has never happened before, is precisely that which most readily reconciles me to the acknowledgment of the power now. It is, that all State Legislatures have, of their own accord, conferred upon their Governors this very same power, except in the single instance of Mississippi, arising in this case, no doubt, from inadvertence and precipitate legislation. There is surely no ground to fear any unpleasant result, when our decision is in exact conformity with the laws of the States for forty years; when we are manifesting a beautiful harmony between the constitution of the United States and the feelings of the people of the States, as shown in their laws. If indeed we were about to curtail the power which the Governor claimed under the constitution or laws of his own State, we might well pause. But our decision in this case will only place Mississippi precisely where the other States have voluntarily placed themselves, by conferring upon their Governors the power which we are about to admit.

The gentleman from Rhode Island, who has just taken his seat, [Mr. Tillinghast,] has touched upon the only point which has caused any embarrassment to my mind. He has said that if a Governor of a State derives the power of

ordering an election in a case like this from the constitution of the United States, which is the supreme law of the land, and of course paramount to all State laws, he can fix upon whatever time he chooses for the election to be held; and therefore, in every State where members of Congress have not been chosen upon the 4th of March, whether an extra session may be called or not, he can disregard the day which the statute may have designated, and thus overrule the laws. I state the objection as it has occurred to my mind, without recollecting whether I give it the exact shape which he did. I feel and acknowledge its force, and admit that it is difficult to escape from the conclusion; for, if this power is held by the Governor under the constitution of the United States, no State legislation can take it away. But there are two reflections which disarm this argument of much, if not all, of its force. The first is, that the conclusion will not be found, upon examination, to be as unpleasant as it appears to be upon a cursory view; for it is not to be supposed that the chief agent of a State Government will, without any cause or motive, overthrow the laws of the people over whom he presides. Such an evil is not, in the natural order of things, to be feared; and, besides, these very laws have, in all the States except Mississippi, confided to this very officer the duty of selecting a day for the election in case of necessity. If the constitution reposes this discretion in him, too, the mere anticipation of a flagrant abuse of the power cannot be received as an insurmountable objection to the fair construction of that instrument. The second reflection is, that the constitution intended to provide, in all cases where it was possible to do so, for its own perpetuation. The federal Government was meant to be kept up, and so far as it springs from the people instead of the States, power was given to it to preserve its own existence. This House, as a vital part of that Government, was not intended to become lapsed from a want of power to secure its continuance. I find in the constitution, therefore, that, although the States are permitted to regulate the elections for members of this body, at their own will and pleasure, yet provision is instantly made for a defective execution of this power in the legislative branches, by throwing upon the Governors the clear and high responsibility of seeing that the members of this House are duly chosen, in the very clause which is the subject of all this debate; and, lastly, by way of meeting every conceivable emergency, if the legislative and executive branches of a State should both fail to discharge their duty, an ultimate power is reserved to Congress to regulate for itself the elections to this House. Taking these different parts, and deducing the spirit which emanates from them all conjointly, I am led to believe that no vacancy in this body was intended to be long tolerated. In the physical world there is no vacuum. Nature is said to abhor it. Just so in our political system; those who created this artificial state of being equally abhorred a vacancy in this House, and they therefore imposed a pressure upon every point where that pressure could tend to fill it up. This consideration leads us to the very structure of the Federal Government, whether it was meant to be a loose and disjointed fabric, or one firmly knit together, so as to be lasting. This House is bound to the people of the United States by an indissoluble tie. If any one State chooses to loosen the knot, Congress can fasten it again. This is the way in which I read the constitution, and I shall not be deterred from coming to a conclusion corresponding with this interpretation, by a misplaced fear that Governors of States will rush madly from their spheres for no other purpose than to introduce confusion and disorder. I shall, therefore, vote to sustain the report of the majority of the Committee of Elections.

Mr. CUSHMAN now moved the previous question and a call of the House, [which was very thin, owing, as was supposed, to an interesting debate in another part of the Capitol;] but his motion not seeming to meet the wishes of his friends, he withdrew it.

Mr. LINCOLN next took the floor, and made an argumentative speech in opposition to the report of the committee.

Mr. HASTINGS followed in opposition to the report of the committee.

Mr. PARMENTER rose merely to respond to an appeal by his colleague, [Mr. Lincoln,] on the matter of fact stated by him, that it had been the usage of the Legislature of Massachusetts to reject votes for any incorrectness of form. It is true, that, formerly, it had been the custom to reject votes for informalities of almost every description; but, more recently, the decisions had been different. Several instances of informal returns and other variations from the provisions of law had occurred within a year or two in Massachusetts; but after a very full discussion, notwithstanding the incorrectness of form, the members, whose seats were contested, were allowed to retain them. The decisions were the more striking, as the question had an important bearing on the relative strength of parties, and political feelings were to some extent enlisted, yet the candidates of the minority were sustained.

In the instance quoted by my colleague, that returns of votes were never counted unless received within the time prescribed by law, he is correct. But there were several variations from the statutes, which were considered matters of form, and, although important, were not sufficiently so to destroy the substantial part of the proceedings of the towns in voting. The principle sustained was this: that when the will of the people was clearly shown, the irregularities should be very great to affect their expressed wishes.

Mr. LOOMIS, of New York, addressed the Speaker, and said that, viewing this question as involving directly an important construction of the constitution, no apology was necessary by one who was called to sit in judgment upon it, for assigning briefly the reasons of his opinions.

In his estimation, the conclusion to which the House should arrive on this question, however important to the individuals concerned, and to their State and constituents, was still more so as a solemn adjudication upon the very important feature of the constitution involved in it, and it was matter of deep and abiding interest that this the first decision upon it should be correct in principle.

The constitution of these United States was doubtless intended, by those who formed and adopted it, to embrace within itself all the elements of an original Government, and of security against dissolution from external causes.

One of the provisions of that constitution is, that there shall be a House of Representatives with certain prescribed powers. To secure the existence of this chief repository of legislative powers, under all circumstances, and under every contingency, was one of the wise designs of that instrument.

The constitution provides that "the House of Representatives shall be composed of members chosen every second year." The time of commencement of the term, or its termination, is no otherwise fixed in that instrument. The first term of service of the Representatives, and that of the Executive and other officers under it, commenced necessarily on the day of the organization of the Government which was founded by it, and which was on the fourth day of March; and from that day to this, the fourth of March, in every second year, has been justly considered as the commencement of the term of subsequent Representatives.

All parties here, I understand, concur in this construction; all also agree that the Representatives in the 24th Congress from Mississippi went out of office on the third day of March last. From that day the office of Representative must be considered vacant, unless it had been filled by a previous election, of which there is no pretence, until an election should be held under the constitution to fill it.

By a law of the State of Mississippi, the election of Re-

presentatives in Congress is to be held "once in every two years, to be computed from the first Monday in November, 1833." The Legislature of that State had not the power to change the constitutional term of representation in Congress, nor is there any good reason to suppose it had any such design. It is a part of the policy of many of the States not to have their Representatives elected until after the expiration of the last session of each Congress. There are many good reasons for this mode, as well as some against it. It is often very desirable to exhibit to the people the entire political course through a whole Congress of a member who is a candidate for re-election.

The regular sessions of Congress have commenced on the day named in the constitution, no law naming a different day having been adopted since the first organization of the Government, and this affords ample time for canvassing the merits of the candidates between the expiration of their terms on the 3d of March, and the election in November. The instances in which extraordinary sessions of Congress have been called by the President have been rare, not exceeding two or three since the adoption of the constitution; and no such instance has, before this session, occurred since the admission of Mississippi into the Union as a State. The time appointed by the President for the meeting of this extraordinary session was before the November election provided for by the law of that State; and, unless a special election could be held, that State would not be represented at a session of Congress called for an extraordinary occasion, and to which public attention was turned with unusual interest and anxiety.

The Governor of the State of Mississippi, under these circumstances, issued his writ of election, reciting the call of the special session, and that a vacancy had occurred by the expiration of the term of the late members, and requiring a special election to be held in July, "to fill said vacancy," "until superseded by the members to be elected at the next regular session" in November. At this special election the now sitting members were elected; the question is now, at their request, presented to the House to determine what is their situation—are they lawfully members of this House? If they are, do their terms expire with this session or at the general election in November, or are they members of the entire twenty-fifth Congress? There are two sections of the constitution having a bearing upon this matter. Section 4 reads thus: "The times, places, and mannner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators." Some of those who oppose the resolution reported by the committee insist that the Legislature of the State of Mississippi has exercised this power by appointing the election to be held in November, and that to permit the present election to be held valid would be to give to the Governor of a State the power to repeal and set at naught a valid act of the State Legislature.

It is provided in the second section of the constitution, that "when vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies."

It is also said by some of the opponents of the resolution that the vacancy in question was not such a one as is mentioned in this clause of the constitution; that it did not "happen;" that the word "happen" implies some death, accident, or casualty, and does not cover the case of an omission by the Legislature to provide by law for an occasion like the present. Mr. Speaker, I differ from those honorable gentlemen on both these positions. The Governor's power and that of the Legislature were alike derived directly from the constitution of the United States. Neither was paramount to the other; neither could control the other, or in any manner exercise its functions, except in the case defined for each in the constitution. That instrument declared that Representatives should be elected; it authorized the Legislature to fix the time and place of the election; it also authorized the Governor to act, to cause an election to be held in case a vacancy happened. It is a sound and well-established rule, that every law and every instrument must be so construed, if practicable, as to make all its parts effectual and operative. It would render that part of the constitution which gives power to the Governor inefficient and inoperative, if he could not order an election, in case of a vacancy, at another time than the general election provided by law; no special election could even be held by his order if that construction were to prevail; if a vacancy by death should happen, it could not be filled, if this view be right, until the time prescribed by the State law should arrive, because the Legislature alone is authorized to fix the time and place.

It will be perceived at once that this construction cannot be sustained; it would render absolutely nugatory the part which gives power to the Governor to cause a vacancy to be filled. That clause is equally valid with the other, and both must be construed so as to give effect to each. It is said this construction gives to the Governor of that State the right to order an election immediately after the expiration of the term on 3d of March in every case, whether it be made necessary by a call of a special session of Congress or not. Be it so. I admit, nay, I maintain, that the Governor might do this as a matter of abstract constitutional right; but, at the same time, I say it would be very indiscreet, and even an abuse of power in him, to put the people of the State to the trouble and expense of a special election, which was wholly unnecessary. Doubtless there are many unwise things which a State Executive might constitutionally do; but there is no danger of such palpable and useless abuses; the people and the Legislature, in appointing the time for election to be held in November, chose, for the good reasons I have before mentioned, to entrust to the Executive the duty to appoint the time and place of special elections when rendered necessary, and they justly concluded that no individual of sufficient character to attain that station would ever be guilty of the folly, though he might have the power to order a special election, when the general election appointed by law would arrive before the officers to be elected could act.

A new position was taken by the gentleman from Vermont, [Mr. SLADE.] He conceded that, by the fair construction of the language, a vacancy had happened, but that it was a limited vacancy, which expired at the time appointed by law for holding the election. That the vacancy being so limited, the election was to fill the vacancy only, and, consequently, that members of that State were properly entitled to seats until November, and then their office expired. This would directly violate the constitution; it would be limiting the term of members on this floor to a shorter period than that prescribed by the constitution; it would give us two sets of members for the twenty-fifth Congress. If it was competent for the State authorities, either unitedly or separately, to cause two sets of Representatives to hold seats successively in the twenty-fifth Congress, there was nothing to prevent them from making the office annual, or having a new set at each session.

The only reasonable inference is, that the Legislature of that State designed to have members of Congress elected under the Governor's writ of election, instead of at their general election, whenever the exigency demanded such a course.

But, sir, the strong ground relied on by most of those who oppose this resolution is involved in the use of the word "happen" in this clause of the constitution. I deny that this word is limited to the sense to which those gentlemen would confine it. Sir, the word "happen" is used

upon the concurrence of two events—whether those events are casual, or caused each by volition, or by natural laws. Thus: this special session happened to be called between the time of the expiration of the last Congress and the time appointed by law for a new election, and hence a vacancy happened. But I will not go into the matter of the philological meaning of this expression, for the reason that it has been very fully and ably discussed.

The gentleman from Maryland [Mr. Howard] has referred the House to the proceedings of the convention at which the constitution was formed; it was there used precisely as if it had been when there shall be a vacancy. As this clause was originally adopted, it was in a form somewhat more diffuse, and the words "in which such vacancy shall happen" were used at the last end of the sentence, to express the idea conveyed in the first part of the same sentence by the word "vacancy," without the conjunction of the word "happen." After the constitution had been adopted in detail, a committee was appointed to revise the language and arrangement of it, and report it, to convey the same ideas as intended by the draught. That committee abridged this clause by changing the phraseology so as to use the word vacancy but once in it; and, in that way, the word happen came by transposition from the last part of the sentence, and was placed by the side of the word vacancy, in the first part, evidently without intending to change the sense. Is not this conclusive as to the fair construction of those words? But, sir, we have, in addition to this, the testimony of the distinguished gentleman from Massachusetts, [Mr. Adams,] showing what has always been the construction given to this word in similar cases by the executive branch of the Government. It is, that whenever a vacancy exists, a vacancy happens.

Mr. Speaker, all party views on this question should be entirely discarded. It should rest exclusively on its own merits; and in that spirit I have endeavored to view it. In my mind there remains not a doubt upon the subject; and to me it appears most clearly that those gentlemen are duly elected members of the 25th Congress, and that their term, as such members, cannot expire before the constitutional limit. I cannot but anticipate that I am on this subject with a large majority of this House of both political parties.

[The hour of recess arriving, the House separated until 4 P. M. without taking any question.]

Evening Session.

## MISSISSIPPI ELECTION.

The House resumed the consideration of the report of the Committee of Elections.

Mr. LOOMIS resumed and concluded his remarks, as given entire above.

Mr. ADAMS then rose and addressed the Chair substantially as follows:

Mr. Speaker: Differing essentially in opinion as I do from that of the gentleman who has just taken his seat, and from the report of the majority of the Committee of Elections, with regard to the limitation in the writ of election, I am constrained again, though very unwillingly, to address the House on this question. Not on the question whether a vacancy had happened in the representation of the people of Mississippi in this House, because upon that point you have understood, from the observations which I submitted to the House this morning, my opinions concur with those contained in the report of the committee. But the question affecting the right of the members from Mississippi to seats on this floor, is not whether a vacancy in the representation of the State had happened, but what the vacancy was, and how that vacancy was to be filled.

Now the vacancy was of two seats in this House of members from the State of Mississippi for the twenty-fifth Congress of the United States, which twenty-fifth Congress commenced on the 4th of March last, and is to continue till the 4th of March, 1839. That is the 25th Congress of the United States, and that was the vacancy in the representation of the people of the State of Mississippi; and so it is understood by the majority of the Committee of Elections who have reported the resolution, that Messrs. Claiborne and Gholson have been duly elected members of the 25th Congress.

But have they been so elected? The constitution of the United States provides that "the House of Representatives shall be composed of members chosen every second year by the people of the several States." The term for which they are chosen is two years.

The constitution further provides, that the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

And the constitution further provides, that when vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

The Legislature of the State of Mississippi had, by an act of the 2d of March, 1833, (so much of which as relates to the subject before the House is inserted in the report of the Committee of Elections,) prescribed that the elections for members of Congress, as well as of the Governor, members of the Legislature, and others, should be held biennially, and particularly that the Representatives to Congress from that State should be elected once in every two years, to be computed from the first Monday in November, in the year 1833. Such is the standing law of the State, and in enacting it the Legislature appear not to have been aware that it left the State wholly without representation in this Hall, from the commencement of every Congress on the 4th of March, till late in November of every first Congressional year; and the consequence is, and must be, that whenever Congress shall meet, whether by virtue of a law of the United States, or by special call from the President of the United States, in the interval between the 4th of March, the day when the Congress commences, and the first Monday in December thereafter, the State of Mississippi cannot lawfully be represented in the House of Representatives of the United States.

The vacancy is created, not as the writ of election issued by Governor Lynch avers, by the expiration of the term of service of the members of a former Congress, but by the law of the State deferring the elections of members to a Congress commencing on the 4th of March till the subsequent November.

The vacancy thus created by the law of the State is a vacancy which the Executive of a State cannot supply. It is not within the purview of the authority given him to supply vacancies, for the following reasons: First, because it is inconsistent with the law of the State itself, which prescribes that the election shall be held once in every two years, in November, and consequently prohibiting its being held more than once in that term. Secondly, because it is inconsistent with the provision of the constitution of the United States that the members of the House of Representatives shall be chosen by the people every second year. And, thirdly, because it would change the tenure of the term of office, prescribed by the constitution to be for two years, into a tenure of two sets of members from the same State; one for a single session or part of a session, and the other for the remainder of the term of two years.

But if the Governor of the State cannot supply the vacancy, thus created by the law of the State, for the interval of time between the 4th of March and the first Monday in November, still less can he, directly in the face of the law of the State, supply a vacancy for a whole term of two

years. The gentleman from New York thinks he could, and that his writ of election, instead of authorizing it to be held for a choice of members to sit until superseded by members to be chosen at the regular election in November, should have directed it to be held for members of the twenty-fifth Congress. The report of the Committee of Elections avows the opinion that the Governor, by introducing into his writ of election the restriction upon the terms of service of the members to be chosen, transcended his powers. The report says that the opinion of the committee was almost unanimous that the writ was perfect in itself without the restricting clause; that its being there does not invalidate the election held under it, but that it may fairly be rejected as surplusage. They, accordingly, reject it as surplusage, and present to the House a resolution that Messrs. Claiborne and Gholson have been duly elected members of the twenty-fifth Congress.

Mr. Speaker, I have never been a tenacious adherent to the disorganizing doctrine of State rights. But conversant as I have been with the constitution of the United States from its origin; familiar as I have been with all the controversies which attended its progress from the 17th of September, 1787, when it was presented by the convention at Philadelphia to the people of the Union, till its final adoption by the people of the whole thirteen primitive States of the Confederacy—equally familiar with all the subsequent controversies and collisions of power between the General and State Governments, as well as between the several departments of this Government—sworn as I have repeatedly been to support both the constitution of the United States and that of my native Commonwealth of Massachusetts, and profoundly responsible as I hold, and ever have held, myself to a tribunal far beyond this visible diurnal sphere, for the faithful observance of those oaths, I have invariably considered the Government of this our common country as consisting of two distinct, separate, independent, but interwoven authorities, both limited—each sovereign within its appropriate sphere—each lawfully powerless to encroach upon the appropriate functions of the other; and of all the errors which half a century of national existence has brought forth to kindle the torch of discord in our country, the doctrine of nullification is, in my judgment, the greatest and the most pernicious. And next to that is the doctrine of nullification, by the Executive, of the acts of the legislative power—I do not mean by the veto, before a legislative act becomes a law—I do not mean by the constitutional control given to Congress over certain acts of State legislation—but I mean the annulment, by a State law, of an act of Congress, or the annulment of a State law by an Executive proclamation, or by any department of the General Government, except as authorized by the constitution.

Now, sir, it appears to me that both these errors are involved in the opinion expressed by the gentleman near me from New York, [Mr. Loomis,] in the report of the Committee of Elections, and in the resolution with which it closes, that Messrs. Claiborne and Gholson have been duly elected members of the 25th Congress. The gentleman from New York thinks the Governor of the State of Mississippi reprehensible for limiting in his writ the election of the members to a term to be superseded by members to be chosen at the general election in November, prescribed by the law of the State. The report of the Committee of Elections considers the Governor as having, by inserting the restriction, transcended his powers. They reject the restriction as surplusage!

Sir, it was the standing law of the State. The law of the State surplusage! The Governor of the State, by conforming his writ to the law of the State, transcended his powers! Why, what would he have done if he had omitted the restriction from his writ? He would have annulled the law of the State by proclamation. That would have been a transcending of his powers with a vengeance! Sir, there has been a time, in the land of our fathers, when the pretension of power in a kingly crowned head to annul the laws of the land by proclamation conducted the royal nullifier to the block. As a democrat, as a republican, I should hardly expect that the gentleman from New York would be ready to invest the Governor of a State with a dispensing power to annul the laws of the State by proclamation. As devoted and ardent supporters of State rights, I should hardly have expected from the majority of the Committee of Elections a charge against the Governor of the State of Mississippi, of transcending his powers by strict conformity to the law of the State; and still less can I think that this House will adopt a resolution equivalent to the appointment by this House of members to represent the people of the State of Mississippi from the close of the present session to the end of the 25th Congress. For this, and nothing less than this, will be the effect of adopting the resolution reported by the majority of the Committee of Elections.

Upon the face of the credentials of these gentlemen, as stated by themselves, they were elected to represent the people of the State of Mississippi in this House, until superseded by members to be chosen at the regular State election in November. Yet the resolution, reported by the committee, declares that they shall represent the people of that State during the whole of the 25th Congress. The people of the State elected them to serve for one session. The resolution of the House is to constitute them Representatives of the people of Mississippi from the close of this session till the 4th of March, 1839.

Sir, it is my very deliberate opinion that the election of the two members from the State of Mississippi, for a term, to be superseded by others to be elected next November, was unconstitutional; that no such election could be held, because it is in direct collision with that provision of the constitution of the United States which prescribes that the members of this House shall be chosen every other year. But the time, place, and manner of holding the election, being entrusted by the constitution to the State Legislature, and the Legislature having provided only for an election to be held once in two years, and that in the month of November, *after* the commencement of the term of the Congress for which they are elected, there was no authority in the State competent to ordain an election for a single session of Congress, or for a term short of two years, from the 4th of March, 1837. The election was, therefore, null and void. It was not an election for a single session, or until November, because the constitution of the United States admits of no such election. It was not an election for the whole Congress, because the law of the State required that another election for that purpose should be held in November, and the writ of election issued by the Governor, in exact conformity to the law of the State, expressly restricted the term of service to the interval till the regular election in November. If he had no power to insert the restriction in the writ, he had none to issue the writ itself. If the election was to be held for the whole Congress, the law of the State had prescribed that it should be held in November, and it could be held at no other time.

The error of all this was in the law of the State, fixing the time for the election of the State's members in this House nine months after the commencement of the Congress itself. The power of the Governor was not competent either to repeal this law or to supply its defect. He assumed authority to supply its defect; and the report of the Committee of Elections, while charging him with transcending his powers in this assumption, concedes to him the power which he did not assume, of annulling the law of the State, assumes that he has annulled it, and stretches the election, avowedly authorized by him for a term of three months, into an election for the whole Congress.

If the House should adopt the resolution reported by the Committee of Elections, we are yet to see how it will be taken by the people of the State of Mississippi. Their law requires that the election of members to represent them in this House for the present Congress should be held next November. That law this House cannot set aside. The election must and will be held, and it is to be presumed that the same members will be again returned. Although I hold that the election by which they now occupy their seats was irregular, null, and void, I have been content that they should hold the seats, and wish they may continue to hold them till the close of the session; because, however irregular the election may have been, they were actually chosen by large majorities of the people, and there is no comparison in point of magnitude between the mere inconvenience of an informal election, and the great evil of depriving the people of a whole State of their representation in this House, when they have actually signified their pleasure by whom they choose to be represented. I would, therefore, postpone to the last hour of the session the decision of the question; but I should then vote for the resolution as proposed by the gentleman from Tennessee. The regular election would then be held according to the law of the State of Mississippi; and as there is no reason for expecting that the people of the State of Mississippi have, since last August, transferred their preferences to other persons, there can be no doubt that the same members will be chosen again.

But it is devoutly to be wished that the Legislature of the State of Mississippi will, by a suitable modification of their election law, provide against the recurrence of this defect in their representation in this House, which must otherwise return whenever a session intervenes between the fourth of March and the first Monday in December of every alternate year. Other States are in the same situation. Eight or ten have been obliged to hold their elections since the special call for the present session by the President of the United States. The constitution no doubt authorizes Congress by law to alter the time of holding the election, as regulated by the law of the State; but there never yet has arisen a necessity for exercising this power by Congress; nor should it, without necessity, be exercised. It is a still more exceptionable remedy for the evil which is now proposed; an assumption of illegal power by the Governor of a State, and the nullification of a State law by a resolution of this House.

Mr. CAMBRELENG asked that there might be a call of the House. This was agreed to, and the roll was called; when 105 members answered to their names.

Mr. CAMBRELENG moved that all further proceedings in the call be dispensed with; and, with a view of affording the absent members time to resume their seats, asked for the yeas and nays on his motion; which being ordered, resulted: Yeas 137, nays 61. So all further proceedings in the call were dispensed with.

Mr. WHITTLESEY, of Ohio, said that, as there was a doubt as to whether the gentlemen from Mississippi had been elected for the present session only, or the whole Congress, he thought it would be the better plan to lay the whole subject on the table, and thus afford time for them to return and be re-elected. With that view, he moved that the report of the Committee of Elections, with the amendment thereto, be laid on the table, and, on that question he asked for the yeas and nays.

Mr. WHITTLESEY withdrew his motion at the request of Mr. FILLMORE, who hoped the subject would not be thus disposed of, as it would leave the people of Mississippi in doubt.

Mr. WHITTLESEY then renewed his motion, and the yeas and nays being ordered, resulted: Yeas 70, nays 145, as follows:

Yeas—Messrs. Adams, Alexander, John W. Allen, Aycrigg, Bell, Bond, John Calhoon, Wm. B. Campbell, Wm. B. Carter, Chambers, Cheatham, Childs, Corwin, Cranston, Crockett, Curtis, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Elmore, Evans, Everett, Ewing, Goode, Wm. Graham, Graves, Grennell, Hall, Halsted, Harlan, Harper, Hastings, Hawes, Henry, Herod, Henry Johnson, Lawler, Lewis, Lyon, Mallory, Samson Mason, Maury, Maxwell, McKennan, Milligan, Calvary Morris, Ogle, Pope, Potts, Rariden, Randolph, Reed, Rencher, Ridgway, Russell, Sawyer, Sergeant, Slade, Southgate, Stanly, Thompson, Tillinghast, Toland, Elisha Whittlesey, Lewis Williams, Wise, Yorke—70.

Nays—Messrs. H. Allen, Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Borden, Bouldin, Briggs, Brodhead, Bronson, Bruyn, Buchanan, Bynum, Wm. B. Calhoun, Cambreleng, John Campbell, T. J. Carter, Casey, Chaney, Chapman, Cilley, Clark, Cleveland, Clowney, Coles, Connor, Crary, Cushman, Davee, DeGraff, Dromgoole, Duncan, Edwards, Farrington, Fairfield, R. Fletcher, I. Fletcher, Foster, Fry, Gallup, Rice Garland, Glascock, J. Graham, Grant, Gray, Griffin, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Hubley, Robert M. T. Hunter, Ingham, T. B. Jackson, Jabez Jackson, Joseph Johnson, N. Jones, J. W. Jones, Kilgore, Klingensmith, Leadbetter, Lincoln, Logan, Arphaxed Loomis, Andrew W. Loomis, Marvin, J. M. Mason, Martin, May, McKay, R. McClellan, A. McClellan, McClure, McKim, Menefee, Mercer, Miller, Montgomery, Morgan, S. W. Morris, Muhlenberg, Murray, Noyes, Palmer, Parker, Parmenter, Patterson, Patton, Paynter, Pearce, Peck, Pennybacker, Petrikin, Phelps, Phillips, Plumer, Potter, Pratt, Prentiss, Reily, Rhett, Richardson, Rives, Robertson, Rumsey, Sheffer, Charles Shepard, Shields, Sheplor, Smith, Snyder, Spencer, Stewart, Stratton, Taliaferro, Taylor, Thomas, Titus, Toucey, Towns, Turney, Underwood, Vail, Vanderveer, Wagener, Weeks, A. S. White, John White, Thomas T. Whittlesey, S. Williams, J. W. Williams, J. L. Williams, C. H. Williams, Worthington, Yell—145.

So the motion to lay on the table was decided in the negative.

Mr. HAYNES then moved the previous question, which was seconded: Yeas 105, nays 81; and the main question was ordered without a division.

Mr. BRIGGS called for the yeas and nays on the main question, which was the adoption of the resolution reported by the Committee of Elections, that Messrs. Claiborne and Gholson were entitled to their seats; which were ordered, and were: Yeas 118, nays 101, as follows:

Yeas—Messrs. Anderson, Andrews, Atherton, Beatty, Bierne, Bicknell, Birdsall, Boon, Bouldin, Brodhead, Bronson, Bruyn, Buchanan, Bynum, Cambreleng, John Campbell, T. J. Carter, Casey, Chaney, Chapman, Cilley, Clark, Cleveland, Coles, Connor, Crary, Cushman, Davee, DeGraff, Dromgoole, Duncan, Edwards, Elmore, Farrington, Fairfield, Isaac Fletcher, Foster, Fry, Gallup, Glascock, William Graham, Grant, Gray, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Herod, Holsey, Holt, Howard, Hubley, Ingham, T. B. Jackson, J. Jackson, Joseph Johnson, N. Jones, J. W. Jones, Kemble, Kilgore, Klingensmith, Legare, Leadbetter, Lewis, Logan, Arphaxed Loomis, J. M. Mason, Martin, May, R. McClellan, A. McClellan, McClure, McKim, Miller, Montgomery, Moore, Morgan, S. W. Morris, Muhlenberg, Murray, Noble, Palmer, Parker, Parmenter, Paynter, Pennybacker, Petrikin, Phelps, Plumer, Potter, Pratt, Prentiss, Reily, Rhett, Richardson, Rives, Sheffer, Sheplor, Smith, Snyder, Spencer, Stewart, Taylor, Thomas, Titus, Toucey, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, A. S. White, T. T. Whittlesey, Jared W. Williams, Worthington—118.

Nays—Messrs. Adams, Alexander, H. Allen, John W. Allen, Aycrigg, Bell, Bond, Bordon, Briggs, W. B. Calhoun, John Calhoon, Wm. B. Campbell, Wm. B. Carter, Chambers, Cheatham, Childs, Clowney, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Evans, Everett, Ewing, R. Fletcher, Fillmore, Rice Garland, Goode, Graves, Grennell, Griffin, Hall, Halsted, Harlan, Harper, Hastings, Hawes, Henry, R. M. T. Hunter, Henry Johnson, Lawler, Lincoln, A. W. Loomis, Lyon, Mallory, Marvin, Samson Mason, Maury, Maxwell, McKennan, Menefee, Mercer, Milligan, Calvary Morris, Noyes, Ogle, Patterson, Patton, Pearce, Peck, Phillips, Pope, Potts, Randolph, Reed, Rencher, Ridgway, Robertson, Rumsey, Russell, Sawyer, Sergeant, A. H. Shepperd, C. Shepard, Shields, Sibley, Slade, Southgate, Stanly, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Towns, Underwood, J. White, E. Whittlesey, L. Williams, S. Williams, J. L. Williams, C. H. Williams, Wise, Yorke—101.

So Messrs. Gholson and Claiborne were declared to have been duly elected members of the twenty-fifth Congress from the State of Mississippi, and, as such, entitled to their seats on this floor.

The House then adjourned.

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Wednesday, October 4.

## NATIONAL BANK.

After transacting some preliminary business, the House proceeded to the consideration of the following resolution, reported from the Committee of Ways and Means on the 25th instant, it being the business next in order:

*Resolved*, That it is inexpedient to charter a national bank.

The question pending was the motion of Mr. Wise to amend the resolution, by adding thereto, "at this time. And be it further resolved, that it will be expedient to establish a national bank whenever there is a clear manifestation of public sentiment in favor of such a measure."

Mr. SERGEANT, who was entitled to the floor, proceeded with his remarks for a few minutes, when he moved to refer the resolution to a Committee of the Whole on the state of the Union.

Mr. CAMBRELENG said he was very sorry this motion was submitted by the gentleman from Pennsylvania. He must be sensible that if the motion he now made prevailed, it would have the effect to make a final disposition of the question now before the House. The Committee of Ways and Means felt bound to present this question before the House, in the form they did, in consequence of the memorials referred to them by the House, praying for the establishment of a national bank. In presenting it, however, they did not anticipate a lengthy discussion. It was supposed by the Committee of Ways and Means, that the nation desired to know what course this House and the other branch of Congress intended pursuing on this question; and they had submitted this resolution in order that gentlemen might be brought to a direct vote, and either adopt or reject the resolution. It was introduced because the subject had been referred to the Committee of Ways and Means, and they considered it proper that the nation should understand what course they intended to pursue on this all-important question. He hoped that the motion to commit would not prevail, as there was not time to discuss it at the present session of Congress.

Mr. ADAMS asked the chairman of the Committee of Ways and Means if there had not been referred to that committee several petitions and memorials from various sections of the country, praying for the establishment of a national bank?

Mr. CAMBRELENG said that there had been many such memorials. The resolution now before the House had been framed with reference to them.

Mr. ADAMS would further ask if those memorials had been read in committee?

Mr. CAMBRELENG replied that there had been thirty or forty of those memorials referred to that committee, and ordered to be printed—and it would be strange if some of them had not been read by members of the committee.

Mr. ADAMS said he understood, from the ambiguous reply of the gentleman from New York, that the memorials in question had not been read in the committee to which they had been referred.

[After a short pause, and no reply to this suggestion following from the chairman of the Committee of Ways and Means,]

Mr. ADAMS resumed. What state of facts, he would ask, is here disclosed? Numerous petitions come up to this House, from the people of the United States; by this House referred to the Committee of Ways and Means, and they are not even read by that committee! But a resolution is returned to us, that it is inexpedient to establish a national bank! Mr. A. would signalize this as another strong instance of the treatment received by the people of the country, at the hands of this House. What right, he would demand, what pretence, had the Committee of Ways and Means, to tell this House, until they had read and carefully considered these petitions, that it was inexpedient to grant their prayer? Here is a resolution, presented to us, predetermined on, without hearing the people, without condescending to read their petitions, even in committee. Why is it that the time of the House is to be wasted at this special session, called for extraordinary and peculiar purposes, to the consideration, exclusively, of which the House, by solemn vote, have restricted themselves, in the discussion of a question of mere expediency? Why did not the Committee of Ways and Means as well report against the expediency of continuing the war in Florida, when already the blood of our countrymen has been poured out like water, in the vain pursuit of a few wretched savages, who could not be found? Why did not that committee report that it was inexpedient, at this time, to make a debt of millions, with a full Treasury? And there are many other matters, legislation upon which may be said to be equally "inexpedient." Why not make these the subjects of a report?

Sir, said Mr. A., whether the establishment of a national bank is expedient or inexpedient, is now a very idle question, in the agitation of which to occupy the time of this House. Had the report of the Committee of Ways and Means, upon these memorials, been, simply, that this House, or a majority of it, and that committee, had predecided that the granting of their prayer was inexpedient, and that it should not be granted, the report would have been more consonant with reason and the facts. Why, sir, said Mr. A., what reason is given by the committee for their report? Why is the establishment of a national bank less expedient now than at any other time? Why did they not bring in a resolution declaring it to be inexpedient even to pass a law establishing such an institution to the end of all time? Why not bring forward such a proposition as well as this, and equally insist on members "toeing the mark," as the chairman of Ways and Means took occasion to request me to do? Sir, this would be as reasonable a proposition as the other. Does that gentleman [Mr. Cambreleng] imagine that his power in this House is to last forever? Sir, I acknowledge his power here is very great, at present—but when he calls upon me to "toe the mark," I may be excused for refusing to do so, as his "mark" is not a straight one; it is too much like what we Yankees call a Virginia fence. I do not like his "mark," sir, it is too crooked; and he cannot expect me to "toe" it until he has learned to draw it straight! This is not the time for those who are friendly to a national

bank, sir, to bring forward a proposition to that effect, and they will not probably permit such an issue to be prematurely made up for them on this floor.

Sir, continued Mr. ADAMS, I complain of the gentleman from New York. I complain to the country, sir, that he is wasting the time of this House (which, when it suits his pleasure, he is in the habit of detaining here till after midnight) in the discussion of the most frivolous resolution ever presented in any legislative body. If we are here to discuss what is inexpedient, every body here may bring forward a resolution of the kind, and, instead of adjourning on the 16th instant, we may remain here, discussing *what we will not do*, until the Christmas of next year. Now, sir, the people who sent us here want to know, not what we will not, but what we *will* do; and this last, I am afraid, they will know far too soon for their interests.

Mr. ADAMS then expressed his concurrence in the views of his friend from Pennsylvania, [Mr. SERGEANT,] who had moved to refer the resolution under consideration to the Committee of the Whole. If it is to be debated, that is undoubtedly the proper course for it to take. If the gentleman from New York [Mr. CAMBRELENG] would bethink himself of it, this is not a question on which there is not something to be said on both sides. Mr. ADAMS concluded by saying, however, that he preferred that the discussion should not be continued, at this session, by reason of the entire absence of all necessity that any legislation of the kind should now be had; and he moved to lay the resolution on the table.

Mr. CAMBRELENG hoped the gentleman would not make this motion, which cut off all reply, after making such an attack upon him as he had made.

Mr. ADAMS. I will withdraw the motion if the gentleman will renew it when he has done.

Mr. CAMBRELENG certainly could not do this.

Mr. ADAMS. Well, then, I will withdraw the motion unconditionally, so the gentleman may have the opportunity of replying.

Mr. CAMBRELENG said the gentleman from Massachusetts, [Mr. ADAMS,] with his accustomed courtesy, had been kind enough to speak of his (Mr. C's) "zig-zag" course. He little expected the gentleman to make that charge. Mr. C. thought he (Mr. A.) would not have alluded to a point which was so very tender to some gentlemen, perhaps on both sides. The gentleman, continued Mr. C., has alluded to my "zig-zag" course, and said that I did not walk in a straight line. Sir, I have been a member of this House for seventeen years, and before I was a member I was an advocate of the broadest doctrines of free trade, and of those doctrines set forth at large in the message of the President; doctrines which the South have uniformly sustained and supported. I have been obliged, sir, from necessity, to make this brief allusion to my own course, in consequence of the extraordinary attack of the gentleman from Massachusetts.

Sir, it is perfectly well known, at least to some members, that, upon this bank question—upon the tariff question—and upon the interference of this Federal Government, or State Legislatures, with the affairs of trade and money, I have been uniform and consistent, and, after seventeen years, I have the pleasure to find myself surrounded by gentlemen from every part of the Union advocating the same doctrines I advocated before I was a member of this House.

Sir, in alluding to the gentleman from Massachusetts the other day, I did it in a pleasant manner, and not for the purpose of provoking an attack upon me. The gentleman had alluded to the proposition now submitted to the nation and to Congress—I mean the proposition to separate the affairs of this Government and our Treasury from all connexion with banks. In alluding to that proposition, he had reference to the published opinion of the gentleman, who doubted whether the President had the courage to propose it; and if he had the courage to do so, the gentleman left us in some doubt whether he would help him out of the difficulty.

Now I had hoped the gentleman would have given us his aid on that bill—and why? Because I do not think the gentleman would vote for a proposition to incorporate an association of counterfeiters; because I could not suppose it possible that the gentleman could denounce all the presidents, cashiers, and directors of all the banks, and afterwards come here and vote for an association of counterfeiters. The gentleman told us in that letter that he doubted, as well he might, the expediency of employing any bank of discount as an agent of the Government. Now, there is no Government upon earth which employs a bank of discount. Even the Bank of England is not a bank of discount, according to its practice or its organization; not a bank of commercial discount upon the plan of banks in this country. The public moneys are not permitted to be employed in commercial discounts, to be suddenly withdrawn. Sir, I rose merely to remind the gentleman that on these questions I wished him to remove all doubt—to toe the mark on the resolution against chartering a national bank.

Mr. GLASCOCK was somewhat astonished that the gentleman from Pennsylvania, [Mr. SERGEANT,] after occupying the time of the House on three different mornings during the morning hour, should move to commit the resolution to the Committee of the Whole on the state of the Union. If he could believe for a moment that any good could result from it, he would not interpose the objection he now made; but, so far as this question was concerned, it appeared to him that every gentleman had a full and fair opportunity offered him of making known his views to the House and to his constituents, in relation to the establishment of a national bank, in Committee of the Whole, on the bills before that committee. This being the case, he was surprised that the gentleman should have made the motion after he had finished his own remarks. It was also, he thought, very extraordinary that the gentleman from Massachusetts should have made the motion to lay the resolution on the table, after a similar motion had been rejected by a large majority of the House. He hoped the motion to commit might not prevail, because we had but some eight or ten days to determine on all the great questions before the House; and the morning hour, he took it, was as much time as could be set apart specially for the discussion of this resolution. Gentlemen could discuss this question during the morning hour, and those who desired to give their views on the subject of a bank at any other time, could do so on the bills under discussion in the Committee of the Whole.

Mr. CLARK, of New York, animadverted with some particularity on the charge adduced by Mr. ADAMS, that the numerous petitions referred to the Committee of Ways and Means on the subject of the establishment of a United States bank had not been read in committee. There was no reason why they should have been read. Their contents were well known. The country was nauseated with them. The contents of them were familiar to the nation "as household words." He hoped the Committee of Ways and Means had not wasted their valuable time in reading them. The people were well enough aware of the trouble already caused to the country by the United States Bank, and did not intend it should again be established. General Jackson had had the good fortune to harpoon the monster, and—

The SPEAKER here interposed, and observed that the question must not now be discussed on its merits.

Mr. CLARK regretted that he should have transgressed the strict rules of order, and would refrain from doing so. He hoped that the motion to refer would not prevail, but

that the gentleman from Pennsylvania [Mr. SERGEANT] would be permitted to go on, as he had commenced, and finish his remarks during the morning hour, and that other gentlemen might have the same opportunity of going on with the discussion.

Mr. ROBERTSON, of Va., said that the chairman of the Committee of Ways and Means had brought forward one of the most important questions that could possibly have been submitted to the consideration of Congress. Nine days were yet left of the session, and it was proposed to confine the debate on that question to a single hour in the morning of each of those days. Now, did the gentleman [Mr. CAMBRELENG] intend that it should be debated, or that a vote should be taken on it without debate? If the former, then he hoped that gentleman would comply with the motion of Mr. SERGEANT to refer it to the Committee of the Whole, or consent to lay it on the table, or to postpone it until the next session of Congress.

Mr. WISE concurred with his colleague, [Mr. ROBERTSON.] What, asked he, were we called here to do? To consider and digest some plan for ordering a system of finance for the country. There were three conflicting plans before the country and the House for this purpose, proceeding from three distinct parties. The first was that of the administration, to establish a sub-Treasury system; and this measure is brought forward in positive terms, and is referred to the Committee of the Whole for consideration. The other branch of the administration party, (called the conservatives,) to which, he had been told, on his first coming here, the gentleman from New York, [Mr. CLARK,] who had just spoken, belonged, had also presented their scheme, by the hands of one of their number, [Mr. J. GARLAND,] his colleague. This, too, was presented in a positive form, and had also been referred to the Committee of the Whole. And now, Mr. W. would ask, why, in like manner, the system of the third party there, not by any means the most inconsiderable in point either of numbers or intelligence, (larger in fact than either of the others, taken severally,) why their plan alone was brought forward by its opponents in a negative shape, and reported against as "inexpedient?" Not only now, but forever "inexpedient?" Why, he would ask, was that plan alone confined to the morning hour? Why were not all the plans taken together, reported together, or discussed together in the Committee of the Whole, as presenting each a part of the grand question upon finance now before the country? The friends of a national bank were waiting for "the moving of the waters;" they were not ready to bring forward their plans in a positive form; they had no notion of standing up for the purpose of being knocked down.

The House has been entertained with the old story of harpooning the monster; and the monster, like Lazarus in his grave, "not dead, but sleeping," was again to be brought to life, for the purpose of once more being killed. He had already been so often killed, that the trick is at last too stale for repetition. This Mr. WISE described as an attempt to raise a fallen issue.

Mr. CAMBRELENG called the gentleman to order. He wished to know if the gentleman from Virginia was to enjoy the exclusive privilege of speaking upon what subjects he pleased, under the motion before the House.

The SPEAKER remarked that the gentleman from Virginia had perhaps been on the verge of transgressing the rules of order: when he should do so in reality, he should certainly be checked by the Chair.

Mr. WISE resumed the floor. The gentleman from Pennsylvania, who had opposed this resolution, [Mr. SERGEANT,] would certainly not have brought forward a positive proposition in favor of the establishment of a United States bank at this session of Congress. It had been brought forward in a negative form by the committee. It was a conflicting interest, and should be examined like the rest; not an hour a day in the morning exclusively. What, he would ask, was the object of making such a disposition of the subject? It was, to keep it within the power of the party there, to be disposed of as they should at any moment think fit, and in the most summary mode of execution. To hold up to the country that there was no hope to the friends of a United States bank.

The SPEAKER here reminded the gentleman from Virginia that he was not strictly in order.

Mr. WISE suggested that it was perfectly in order to discuss the objects for which the chairman of the Committee of Ways and Means wished to keep the question in the House without a reference to the Committee of the Whole.

The CHAIR assented to this proposition, and

Mr. WISE proceeded. The object of the chairman of the committee is to strangle the issue, to make the pretence that the friends of the establishment of a bank of the United States were struggling to attain that object now, and that they had been overpowered in their attempt by a majority here. It was an instance of the manner in which the Bank of the United States had always been treated. Here, in the House, the resolution cannot be discussed; in Committee of the Whole it certainly can, in all its bearings. There it could be debated before the country, and there it could be shown whether the Bank of the United States could possibly compare, in monstrosity, with the project now presented by the administration. There is a large and intelligent interest in this country (whether larger than its opposers or not, it matters not) in favor of the establishment of a national bank, and they had an equal right to be heard, candidly, and with the same circumstances of deliberation as the rest—an equal right to fair play. If the sub-Treasury plan, and the conservative scheme, have a free discussion by a Committee of the Whole, that of this large and respectable interest has certainly an equal right to such discussion, and he trusted it would have it.

Mr. BYNUM rose to address the House, when

Mr. CAMBRELENG moved for the orders of the day, which were taken up, the House resolving itself into Committee of the Whole, (Mr. CONNOR in the chair.)

## TREASURY NOTES.

The House went into Committee of the Whole on the state of the Union, (Mr. CONNOR in the chair,) and resumed the consideration of the bill "to authorize the issuing of Treasury notes."

The question pending was on the substitute of Mr. RHETT.

Mr. BIDDLE rose and said, that he felt his position at this moment to be one requiring a word of explanation. When, on Saturday, it was supposed the debate on this bill would be urged forward, gentlemen, whose standing in the House gave them an undoubted priority of claim to the floor, felt unwilling to proceed, at the close of an exhausting week, and with no opportunity for that arrangement which lends additional force to the strongest arguments. He had, therefore, agreed, at the moment, to present the remarks he had to offer, not deeming them of sufficient importance to be held over for a similar purpose. A motion to adjourn had prevailed; but he now found himself, by the courtesy of those gentlemen, still in the front rank, to which he had assuredly no claim, and which, without this apology, it might well be deemed presumptuous on his part to occupy.

Had he proceeded on Saturday, the impulse of the moment (Mr. B. said) would probably have led him to animadvert, at considerable length, on the singular circumstances under which the present bill had been introduced. The bill first taken up was denounced as a measure of rev-

enue, originating in the Senate, and, of course, an invasion of the constitutional privileges of this House. Instead of discussing a question of such deep interest to the people, it had received the go-by; and the chairman of the Committee of Ways and Means, on the spur of the moment, had hastily got up a new bill as a substitute. The constitutional objection was treated with levity. Mr. John Randolph, of Virginia, had remarked that the time was rapidly approaching when members on this floor would be called to order for quoting the constitution. If that period had not actually arrived, we seemed near it, when reliance on the constitution was treated as a "technical" objection, and as a teasing obstruction in the way of the majority. All the mischief against which the constitution intended to guard had already been done by this premature action of the Senate. To withdraw, then, the bill, with a view to cut off discussion, was only to snatch from the immediate representatives of the people an opportunity of formally protesting against an encroachment upon their province. Perhaps, however, as much good would be effected by the spectacle of that hasty withdrawal as by the most extended discussion. The people would not fail to mark and resent it.

In entering (Mr. B. said) on his duties as a member of this House, he had done so with a fixed determination to be drawn into no merely factious opposition to those who administered the Government. But it was undeniable, in the high state of credit which this country enjoyed, at home and abroad, that any method of pledging that credit in constitutional form will effect the desired object with equal certainty and promptitude. If, then, the administration has resorted to a method which is most liable to exception; which, in its example, is most dangerous; which would, in all probability, be the least productive and the most burdensome; which would tend to disguise from the people their real condition and liabilities, then he felt not merely at liberty, but bound to resist it, and to turn the Government round to a method direct, advantageous, and unexceptionable.

He would make a preliminary remark. The late President, General Jackson, had proclaimed to the whole world that the bill before us is unconstitutional, and, if passed, will not bind the faith of the nation. In his letter to the editor of the Globe, dated Hermitage, 23d of July, 1837, he says:

"I hope no Treasury notes will be issued. The Treasury drafts upon actual deposites are constitutional, and do not partake of paper credits as Treasury notes, which are subject to depreciation by the merchants, and banks, and shavers, and brokers; and will be, if issued; and the Government cannot avoid it. Different must it be with Treasury drafts drawn upon actual deposites; and, from the conduct of the banks and the merchants, they deserve no favors from the Government, which they have attempted to disgrace, and to destroy its credit both at home and abroad."

Now, sir, does this bill profess to authorize drafts on actual deposites in the Treasury, or notes to be discounted by merchants, banks, shavers, and brokers? The title is "A bill to authorize the issuing of Treasury notes," and the President and Secretary are empowered to make the best bargain they can with these merchants, banks, shavers, and brokers, provided not more than six per cent. be allowed. Does any one pretend to deny that they encounter the full denunciation of General Jackson as unconstitutional? He holds, distinctly, that the power to borrow money does not embrace the issue of this kind of paper.

Mr. Chairman, you will readily believe that I am not one of those who push to an extreme my faith in the accuracy of General Jackson's opinions on constitutional points. That is not the question. Is it not undeniable that such opinions are held by many, and will exercise a wide influence? The chairman of the Committee of Ways and Means tells us that these notes are to find their resting-place in London; in other words, this is a new form of loan to the United States from the detested Barings. They ought, then, to have a clear and indisputable credit amongst those who have been soured and alarmed at being so long held up as persons whom it is meritorious to cheat, because they happen to live on the other side of the Atlantic. Let it be remembered, too, that, in discussing the probabilities of the Supreme Court declaring a certain charter unconstitutional, great reliance was placed on the fact that a large majority of the present judges had been appointed by General Jackson. If those judges should adopt his opinions in the present case, what a fraud is to be practised on the purchasers of this paper! These are matters which cannot remain unknown in that great mart of the world, where rival stocks are perpetually struggling for precedence. Nay, sir, is it not possible that the agent for the Smithsonian bequest, in one of those fluctuations of mood to which he seems subject, may republish, with a preface, the letter of General Jackson to Mr. Blair, as he did a certain other letter, with a view to shake public confidence in an American stock?

Mr. Chairman, I have other objections to this bill.

No one can shut his eyes to the fact, that this is the commencement of a new national debt. But it wears a mask to conceal its hideous countenance. With what rapturous joy did the people hail their escape from the former load! Abundant gratitude was claimed, on that occasion, for General Jackson; though it was the result of measures matured long before, and retarded, rather than advanced, by the increased expenditures of his administration. There is plainly now a trembling timidity—a morbid fear—after so much false boasting, to lay bare the fact that the first step of the present administration is to create a national debt. Is it right, sir, that the representatives of the people should co-operate in an effort to mislead the people? How many of our constituents are aware of the true character and operation of this bill? Is it not proper that they should be instantly aroused, so that, at the polls, they may begin at once to exercise their right of claiming from candidates a pledge of rigid economy? How is this debt to be paid off? Does any body suppose that the present emission of paper will render more available the notes of broken banks which constitute our present resource? On the contrary, it will only cause their still further depreciation. You will not be able to force them even upon the revolutionary pensioners and the laborers in your service. They will prove a total loss to the holders, as was the case when the paper tickets of irresponsible individuals were superseded by the paper tickets of corporations. Sir, this thing must end in direct taxes. The necessity may be shuffled off by new emissions, but will come at last with all its accumulation. Disguise the matter as you may, these ten millions will eventually have to be paid out of the soil. Unless the people are aroused, and take the matter into their own hands, the time will speedily come when every farmer, in preparing for his corp, must run one furrow for himself and the next for the tax-gatherer. Viewing the matter even on party grounds, how is it that an administration, pledged to follow in the footsteps of General Jackson, begins its career by creating a debt of ten millions, in a mode which General Jackson has denounced as dangerous and unconstitutional?

Mr. Chairman, it has ever been a subject of regret and astonishment that our mode of raising money is one that invites prodigality and extravagance, and tends, most speedily, to exhaust our credit. Our wisest statesmen have warned us, over and over again, of the fatal impolicy of ever incurring a debt, without, at the same time, providing a specific fund for its redemption.

Even during the late war, when there was a disposition to put every thing at risk, in sustaining the country, with-

out looking to consequences, you will find that the voice of sagacious men was raised in protest against this improvidence. Thus, in the debate of the 9th of April, 1814, on the subject of Treasury notes, a patriotic member of the House of Representatives, Mr. McKim, used this language:

"Mr. McKim said he should be sorry to deny to the gentleman the courtesy of having his resolution referred, were it not for one consideration. If the gentleman would add to his motion a proposition for such further tax as should be necessary to redeem the notes when they became due, he should concur in his motion. But he asked of the House to take a deliberate view of this subject before they referred the resolution. If there was any one point on which Government should be cautious, it should be its credit; and a regard for the credit of the Government would not justify the issuing of these notes without providing for their redemption."

Nay, sir, the Secretary of the Treasury himself, in his recent report, admits the importance of such a provision:

"In connexion with the issue of any Treasury notes, it is believed to be wise to make ample provision for their early and final redemption."

Why has this been neglected? Why is it that Congress shall grant money with reckless precipitation, omitting the precautions against abuse which even an executive officer has pointed out?

Mr. B. said he could not forbear to press upon the House the warning of the first Secretary of the Treasury, as to the emission of paper money by this Government:

"The emitting of paper money by the authority of the Government is wisely prohibited to the individual States by the national constitution, and the spirit of that prohibition ought not to be disregarded by the Government of the United States. Though paper emissions, under a general authority, might have some advantages not applicable, and be free from some disadvantages which are applicable, to the like emission by the States separately, yet they are of a nature so liable to abuse, and, it may even be affirmed, so certain of being abused, that the wisdom of Government will be shown in never trusting itself with the use of so seducing and dangerous an expedient." "The stamping of paper is an operation so much easier than the laying of taxes, that a Government in the practice of paper emissions would rarely fail, in any such emergency, to indulge itself too far in the employment of that resource, to avoid as much as possible one less auspicious to present popularity."

Here, sir, you find plainly disclosed to us the real motive for a resort to Government paper. It is "less auspicious to present popularity to adopt a course which would compel the people to pause and to reflect upon the folly and imposture that have brought us to our present condition."

Are we, sir, prepared to run over again a career of improvidence, without the shadow of a pretext, and against all the lessons of wisdom and experience? Sir, the present times afford little scope for ambition, or reward for the toils of office. But this administration has put aside, from narrow, temporary, and selfish considerations, an opportunity of earning the lasting gratitude of posterity, and achieving a great civil triumph, by placing this matter on its true basis.

What, I repeat, is now the fund mainly looked to, for the redemption of these Treasury notes? Why, sir, the claims which we hold on broken banks, and the vague hope that they will grow better during the next year, in which we are going to wage a war of extermination against these institutions. No, sir! There is not the least hope or expectation of aid from that quarter. It is perfectly well known that the only claim to credit which these notes possess, is the fact, that they constitute a *lien* on every inch of real estate in the country, and must be discharged out of the hard labor of the country. But the administration dares not acknowledge this to the people. It does not feel strong enough to do so. Concealment is necessary. For this very reason, sir, I resist the project. I say to the administration, come out fairly and openly, so that the people may see what is before them; do this, and I will cheerfully co-operate with you.

In continuing his remarks, Mr. B. said it had been the understanding of the House, that each of the measures, proposed by the administration, brought under review all the topics connected with the present state of the country. Whilst calling for the previous question on the postponement bill, the chairman of the Committee of Ways and Means [Mr. CAMBRELENG] had justified that harsh measure, by remarking that the discussion thus arrested could be renewed upon any other bill. He would take this occasion to advert to some remarks which had been made, or rather assertions hazarded, towards the close of that debate, as to the past condition of our currency; a reply to which had, at the time, been cut off.

He was desirous, at the outset, (Mr. B. said,) of guarding what he had to say, from a claim to either more or less of consideration than was its due. He had never exchanged a line, or a syllable, with any one connected with the administration of the late or present Bank of the United States, on the subject of either institution, or any financial question. His opinions were drawn from materials common to all, but to the course and connexion of which he had naturally been led to give a careful and steady attention. This explanation was proper, because he had been assailed, in the official paper of the Government, as the representative on this floor of a moneyed corporation. With regard to that institution, and the method of its administration, they were topics within the scope of the debate, on which each member must judge of the extent of his own obligations to decency and truth. But he would suffer no responsible person to insinuate the infamous calumny that he represented here aught but the interests of his constituents, and what he deemed to be the best interests of the country.

It would be readily believed, by those who personally knew him, that it was not of choice he took part in this discussion. But the station he now held forbade him to indulge a repugnance that in private life was permissible. He was here not to consult his own sensibilities, but to struggle for the rights of others. The prosperity—nay the daily bread—of thousands of his constituents turned, as he believed, on a right understanding of this momentous subject. Whilst, therefore, a sense of what was due to the House, as well as to himself, would guard against the intrusion of personal feeling, he would not, on the other hand, be restrained, by misplaced delicacy, from that perfect freedom which befitted the sole representative of a community once prosperous and happy, to an almost unexampled extent, but now suffering severely under the calamity that had overspread the land.

Mr. Chairman, many homilies have been read to us on the necessity of conciliation and forbearance. I, sir, am one of those to whom this language is always acceptable. We are not here to wage a war of sarcasms. All reminiscences that illustrate nothing, and terminate only in exasperation, may well be discarded. But, sir, rely upon it, that no good can result from shutting our eyes to the past. It is easy to say that "by-gones are by-gones." The infamous Colonel Chartres, we are told, so consoled himself on his death-bed, when reminded by the priest of his enormities. But seriously, sir, if we are ever to rise above the level of the brutes—if man be truly described as a being looking before and after—if the lessons of experience are not always to be written in water—it is only from a calm and resolute survey of the causes which have led to our present embarrassments, that we can draw the hope of extrication, or be secure from a recurrence of the calamity.

There is one great topic, however, threatening in former

times to be illimitable, which the supporters of the administration, and the President himself, now despatch in a very summary way. I allude, of course, to the exclusive metallic currency. The struggle now is, who shall most effectually clear his skirts of that doctrine—who shall most strenuously deny his master. No one now aspires to play the part of Midas. That personage, we are told, was for some time successful in concealing his long ears. They were at length, however, detected, and rendered him the object of derision.

Mr. Chairman, I will not soil my own mind, or disgust the House, by hunting up proof, from a thousand polluted sources, that this is the cry with which the country has so long rung from side to side. Sir, the task would be as nauseating as it is superfluous. However the attempt may be made by alarmed politicians to veil and qualify their projects, the people—the people, always honest, but sometimes led astray—have not forgotten the process of delusion. They well know that this cry was the Marseilles hymn of the promised revolution. Sir, the people are not so stupid as is thought by those who calculate on an inexhaustible fund of gullibility. They see not only that their pockets have been picked, but their understandings outraged. Sir, I draw the happiest augury for the future, from the shame and indignation of many who have been the farthest misled—shame at their own folly; indignation at the desertion of their leaders. No class of men is now better prepared to follow where patriotism may lead than those who have been thus turned upon and rebuked for the very phrases so recently put into their mouths, and blazoned upon their banners.

Yes, sir! All eyes are now opened to the mingled wickedness and folly which would attempt to abolish credit, and to denounce all those who trade upon it, or in any shape take advantage of it. What but this talismanic word has carried forward our young nation, with unparalleled rapidity, in the career of greatness? What else has enabled those whose sole possessions were stout limbs, steadiness, sobriety, a fair moral character, to mortgage all these in the struggle to advance themselves, and to swell thereby the general prosperity?

Sir, it is not a little curious to those familiar with our colonial history, to revert to the early warfare upon that system.

Whilst we were in subjection to Great Britain, it was the settled policy of the manufacturers and merchants of that country to repress the adventurous spirit of America, and to render our labor strictly subordinate to their immediate and narrow purposes. Let me, at the hazard of proving tedious, illustrate what I mean by a few references. As early as 1717, you will find on the journals of the House of Commons the following entry:

"A petition of ironmasters, ironmongers, cutlers, freeholders, nailors, smiths, and artificers, in the iron manufacture, living in the town of Birmingham, in the county of Warwick, was presented to the House and read, setting forth that, should there be encouragement given to the making and manufacture of iron in any plantation belonging to his Majesty's dominions, it will certainly tend to the ruin of the iron trade of this kingdom, which employs great numbers of people. The greatest consumption of our iron manufactures is now sent abroad to the plantations, which, if they have encouragement, will have no occasion for our assistance; and the iron works of the nation must be totally ruined for want of employment for the poor."

Again, in the year 1736, is the following entry:

"A petition of sundry ironmasters and ironmongers, in behalf of themselves and many others, trading to his Majesty's plantations in America, was presented to the House and read, setting forth that the inhabitants of New England have, within these four years, erected several forges and slitting mills, and do annually make a great deal of bar iron, and manufacture the said iron into axes, nails, and sundry other species; and do now not only supply themselves with great part of their nails and iron ware, but export great quantities to many other of his Majesty's plantations, to the great decay and prejudice of the iron trade in this kingdom, which at this time employs more people, especially of the poor laborious sort, than any other trade, that of the woollen manufacture only excepted; and that, unless their slitting mills are destroyed, and also some stop put to their manufacturing, our trade must soon be utterly ruined, and great numbers of people employed in the making and manufacturing of iron will be unavoidably deprived of the means of their subsistence."

In the same year is another petition:

"A petition of sundry ironmasters and ironmongers, concerned in the iron manufactory, of the county of Worcester, in behalf of themselves and others, was presented to the House and read, setting forth that, in that and other adjacent counties, there has long been established the greatest manufactory of iron in this kingdom; and that their manufactory owes its origin as well to the several forges erected in the neighborhood, for making bar iron suitable to particular purposes, as to the great plenty of pit coal, and the conveniency of the Severn for exportation; and that their trade has always increased and flourished till lately in proportion to the American plantations, but now greatly declines for want of its usual demands; and they can ascribe this to nothing but the making of iron and iron ware in that part of the world; and that many of their artificers and workmen have of late gone off, and have removed themselves thither, as it is to be feared."

And mark, sir, how the British Parliament seconded this policy. I take instances at random. In the year 1732 an act was passed with the following preamble: "Whereas the art and mystery of making hats in Great Britain hath arrived to great perfection, and considerable quantities of hats manufactured in this kingdom have heretofore been exported to his Majesty's plantations or colonies in America, who have been wholly supplied with hats from Great Britain; and whereas great quantities of hats have of late years been made, and the said manufacture is daily increasing the British plantations in America, and is from thence exported to foreign markets, which were heretofore supplied from Great Britain." It then proceeds to enact that, after the 29th of September, 1736, no hat, dyed or undyed, finished or unfinished, shall be put on board any vessel or wagon, with a view of its being exported out of the province, on penalty of forfeiture, and of a fine of £500. No hat maker in the provinces shall have more than two apprentices at a time, nor shall he employ a journeyman who had not served an apprenticeship of seven years.

Another act of Parliament, of 1750, provides: that "no mill or other engine, for slitting or rolling of iron, or any plating forge to work with a tilt-hammer, or any furnace for making steel, shall be erected or continued; and every such mill, engine, forge, or furnace, shall be deemed a common nuisance, to be abated by the Governor or the commander-in-chief of the forces, within thirty days after information given."

The colonies were compelled to maintain expensive agencies in London to guard against unceasing efforts to strike at their advancing prosperity, by insisting on an exclusive metallic currency. Take an example from the journal of the House of Commons of 1751.

"A petition of Robert Charles, Esq., agent for his Majesty's colony of New York in America, was presented to the House and read, setting forth that the said colony, and several others of his Majesty's colonies in the continent in America, have enjoyed for many years past, and do now enjoy, the benefit of a paper credit rendered absolutely necessary from the want of gold and silver sufficient for the trade and circumstances of such colonies."

The petition states that this paper credit has "excited industry, has proved a necessary and useful medium of trade, and has enabled the said colonies to provide for the defence of widely extended frontiers." It adds: "that the said bill depending in the House, should the same pass into a law, will essentially alter the nature and quality of the paper credit of America, to the grievous hurt of individuals, the disappointment of the public service, and confusion in all manner of dealings."

Thus, sir, you see that eighty-six years ago a prayer was wafted across the Atlantic from that city, whose memorial to a like effect has just been laid upon your table by the honorable gentleman on my right, [Mr. HOFFMAN.] The supplication *then* was addressed to a foreign Legislature sitting at Westminster. It was successful in averting the threatened calamity. The same entreaties addressed to an American Congress at Washington seem to be received with coldness, perhaps with derision.

The exertions of Doctor Franklin, in the same cause, whilst agent for Pennsylvania, are sufficiently disclosed in the well-known remonstrance which he prepared and published at London in the year 1764. He remarks: "In Pennsylvania, paper money was first made in 1723, which gave new life to business, promoted greatly the settlement of new lands, whereby the province has so greatly increased in inhabitants," &c. Alluding to the argument that New England had been restrained by act of Parliament, and that no dissatisfaction existed thereat, he gives this explanation: "In New England there are four distinct Governments; but, having much mutual intercourse of dealings, the money of each used to pass current in all; but the whole of this common currency, not being under one common direction, was not so easily kept within due bounds; the prudent reserve of one colony, in its emissions, being rendered useless by excess in another."

Mr. Chairman, from this retrospect two things are apparent—

First. That to denounce credit, and insist on an exclusive metallic currency, is not an ingenious novelty of the present day, but a servile attempt to follow in the footsteps of those who, from the earliest settlement, have watched, with jealous alarm, the expansive tendencies of an ingenious, energetic, and indefatigable people. The wreath of glory belongs not to any living brow. You must seek the great original amidst the ancient tombs of Birmingham or Worcester.

A second, and not less striking fact, is disclosed to us, that the sagacious mind of Doctor Franklin, seventy-three years ago, discerned the necessity, wherever intimate commercial relations existed between the colonies, of some central controlling power, as a check upon extravagant issues of paper. Since he wrote, how have the relations of the States been multiplied! And how painfully has the truth been forced upon us, that, in this condition of things, it is vain for one State to attempt to guard against the improvidence of others!

Sir, the convictions of Dr. Franklin, in 1764, are those which come to us in 1837, from the East, the West, the North, and the South; not from the counting-house and and the factory only, but from the plough and the mattock—from every form of industry, now cheated out of its honest earnings by a spurious and depreciated currency.

These convictions, Mr. Chairman, may, I know, be baffled and eluded. There are at work, amongst the politicians of our wide-spread country, motives the most powerful that can actuate the human bosom to stifle or decry the plainest lessons of experience. The love of place—the pride of opinion—the maintenance of party ascendency—the hate of political rivals—all these will insure a desperate war to the knife, in preference to the admission of error. You cannot supply with foregn missions one out of a thousand of those who believe that they must either mystify and confuse the people—make up false issues—astound and bewilder by the very audacity of party tactics—or disappear from public life.

I am not sanguine, then, that the time has yet arrived for the complete triumph of the truth. But I believe in the final good sense, as well as in the sovereignty of the people; and to that good sense I look for the achievement, in the end, of a thorough reformation.

In the attempt, Mr. Chairman, to ascertain the state of the country, and of the currency before the outbreak of the seven years war upon the bank, I avail myself of the testimony of a witness to whom exception will hardly be taken by the friends of the administration. I allude to the gentleman who was recently a candidate for Congress in the county of Philadelphia, and in whose behalf we saw officers of the General Government arrayed, in a manner that Mr. Jefferson and General Jackson have denounced as so indecent, as well as perilous to our free institutions. In September, 1828, two months before the election of General Jackson, I find Mr. Charles J. Ingersoll on a committee, appointed by the stockholders of the Bank of the United States, to examine into the state of its affairs. The report of the committee, bearing Mr. Ingersoll's signature, is dated 2d September, 1828. It met my eye, for the first time, in Europe, where its exhibit was a matter of congratulation to Americans and the friends of America. I have since turned to it, as preserved in Hazard's Register.

After alluding to the difficulty, supposed to arise from the universal receivability of the notes in payment of duties, which it was feared would compel the bank to provide funds in many places to pay the same note, Mr. Ingersoll thus proceeds:

"But the second measure alluded to by the committee, which wrought the most important change in the situation of the bank—that which may be considered as decisive of its usefulness and prosperity—relates to the nature and extent of the circulation of its notes. The board of directors adopted a course, the success of which has, in the view of this committee, laid the foundation of the present prosperity of the institution. It would lead the committee beyond the proper limits of a report to state in detail the reason of this course; but the principle on which it was founded was briefly this: that the universal receivability of the notes of the bank was of no disadvantage, if the local currency of the place were the notes where issued was sound; and it was the duty of the Bank of the United States, and within its power, to make it sound. Accordingly they pursued the system of issuing freely and exclusively their own notes; of receiving, generally, the notes of solvent State banks, and making frequent settlements with them; thus improving the currency, by introducing the notes of the Bank of the United States, and by preventing the over-issues of the State banks. By a gradual and judicious execution of this plan, the effect followed, that, without private or general suffering, without causing the failure of any bank or any individual, and without inconvenience to the Bank of the United States, the banking operations of the country have been brought under an efficient control, and a large amount of the notes of the Bank of the United States have been gradually substituted for the depreciated or doubtful currency which was so injurious to the Southern and Western States. This signal triumph over the greatest of all the difficulties of the bank, for the achievement of which a debt of lasting gratitude is due to the able officer who presides over the institution, has dissipated all the doubts entertained of its power to supply the necessary amount of notes, and has permanently fixed the basis of a wide extended and profitable usefulness. The means thus derived from the increase of notes, and the sale of stock, were devoted to discounts and loans, particularly to that class of loans which are at once the safest and the most useful—the discount of bills of exchange. With these

means the bank has been enabled to extend its operations, in both foreign and domestic exchange, in such a manner as greatly to enhance the profits of its business, at the same time that it has afforded facility and security to the commercial transactions of the country."

The report proceeds to exhibit the operations of the bank, and winds up as follows:

"This exhibition is calculated to show that the stockholders of the bank are deriving important advantages from the successful prosecution of a system of measures which not only produces profit to the stockholders, but furnishes to the community a convenient, sound, and highly useful currency. And the committee, at the same time that they approve the system which has been practically shown to be wise, feel it to be proper to notice and commend the activity and energy which have been exercised by the officers of the bank to preserve the purity of this currency, and to save the community from the evils of its being counterfeited.

"The committee deem themselves justified in stating, as the general result of their examination, that the affairs of the institution are in a highly prosperous condition; conducted upon proper banking principles, in the general scheme of its administration, and in the details of its management."

Such, Mr. Chairman, was the deliberate representation made on the eve of General Jackson's administration. But the message of the President, in 1829, declared that the bank had failed to provide a sound and uniform currency, and suggested the project of an exchequer bank. A committee of the Senate, having at its head the venerable General Smith of Maryland, a warm political friend of General Jackson, was appointed to take the whole subject into consideration. The report of that committee, going into details, the accuracy and force of which have never been questioned, is familiar to all. It is there said:

"As every bank which desires to maintain its character, must be ready to make settlements with the Bank of the United States, as the agent of the Government, or be immediately discredited, and must therefore keep its notes equal to gold or silver, there can be little danger to the community, while the issues of the banks are restrained from running to excess, by the salutary control of the Bank of the United States, whose own circulation is extremely moderate, compared with the amount of its capital. Accordingly, the fact is, that the general credit of the banks is good, and that their paper is always convertible into gold or silver, and for all local purposes forms a local currency equivalent to gold and silver. There is, however, superadded to this currency, a general currency, more known, more trusted, and more valuable than the local currency, which is employed in the exchanges between different parts of the country. These are the notes of the national bank. These notes are receivable for the Government, by the 9,000 receivers, scattered throughout every part of the country. They are, in fact, in the course of business, paid in gold or silver, though they are not legally or necessarily so paid, by the branches of the bank, in every section of the Union. In all commercial places they are received, in all transactions, without any reduction in value; and never, under any circumstances, does the paper, from the remotest branches, vary beyond a quarter of one per cent. in its actual exchange for silver. Here, then, is a currency as safe as silver; more convenient, and more valuable than silver; which, through the whole western and southern, and interior parts of the Union, is eagerly sought in exchange for silver; which, in those sections, often bears a premium paid in silver; which is, throughout the Union, equal to silver in payment to the Government and payments to individuals in business; and with which, whenever silver is needed, in any part of the country, will command it, without the charge of the slightest fraction of a per centage. By means of this currency, funds are transmitted at an expense less than in any other country. In no other country can a merchant do what every citizen of the United States can do—deposite, for instance, his silver at St. Louis, or Nashville, or New Orleans, and receive notes, which he can carry with him 1,000 or 1,500 miles, to the Atlantic cities, and there receive for them an equivalent amount of silver, without any expense whatever; and in no possible event, an expense beyond a quarter of one per cent. If, however, a citizen does not wish to incur the anxiety of carrying these notes with him, or to run the hazard of the mail, he may, instead of them, receive a draft, payable to himself or his agent alone, so as to insure the receipt of an equal amount, at an expense of not one-half, and often not one-fourth, of the actual cost of carrying the silver. The owner of funds, for instance, at St. Louis or Nashville, can transfer them to Philadelphia for one-half per cent.; from New Orleans, generally, without any charge at all—at most, one-half per cent.; from Mobile, from par to one-half per cent.; from Savannah, at one-half per cent.; and from Charleston, at from par to one-quarter per cent.

"This seems to present a state of currency approaching as near to perfection as could be desired: for here is a currency issued at twenty-four different parts of the Union, obtainable by any citizen who has money or credit. When in his possession, it is equivalent to silver in all his dealings with all the 9,000 agents of the Government, throughout the Union. In all his dealings with the interior, it is better than silver; in all his dealings with the commercial cities, equal to silver; and if, for any purpose, he desires the silver with which he bought it, it is at his disposal, almost universally, without any diminution, and never more than a diminution of one-quarter per cent. It is not easy to imagine, it is scarcely necessary to desire, any currency better than this.

"It is not among its least advantages, that it bears a proper relation to the real business and exchanges of the country, being issued only to those whose credit entitles them to it, increasing with the wants of the active operations of society, and diminishing, as these subside, into comparative inactivity; while it is the radical vice of all Government paper to be issued without regard to the business of the community, and to be governed wholly by considerations of convenience to the Government."

I will trouble the House further only with the closing paragraph:

"On the whole, the committee are of opinion, that the present state of the currency is safe for the community, and eminently useful to the Government; that, for some years past, it has been improving, by the infusion into the circulating medium of a larger portion of coin, and the substitution of the paper of more solvent banks, in lieu of those of inferior credit; and that, if left to the progress of existing laws and institutions, the partial inconveniences which still remain of the paper currency of the last war, will be wholly and insensibly remedied. Under these circumstances, they deem it prudent to abstain from all legislation, to abide by the practical good which the country enjoys, and to put nothing to hazard by doubtful experiments."

Such was the currency when the Bank of the United States was responsible for its soundness and uniformity. What is it now, when the responsibility has been assumed by others? Alas! sir, it is as superfluous as it would be painful, to depict what is forced every hour upon our attention.

At the end of seven years, we are summoned here to be told that the "experiments" upon which the Government decided to precipitate itself are no longer "doubtful." They are admitted to be utter failures. But we are, at the same time, informed that it is not open to the country

to profit by the lessons of experience. There is an insuperable obstacle in the way. The President is trammelled by a letter he wrote to Mr. Sherrod Williams, and by another addressed to a Cincinnati dinner-party!

Will the people be satisfied with this answer? I think not. Let politicians who have attained notoriety by clamor on this subject, struggle as they may to repress the roused spirit of the nation—to disguise from the people their own strength—to induce despair as to the possibility of attaining the only practicable remedy—their triumph will, I believe, be short-lived.

Gentlemen tauntingly call upon us for our plans—to exhibit the schemes from which we purpose to make a choice; as if novelty were an indispensable ingredient to any proposition for relief; and as if a successful experience of forty years were an insuperable argument against a recurrence to the wisdom of former days. Sir, what my constituents ask is, that you will give back to them the state of things which existed in 1829. They ask of patriotism to restore what party has snatched from them. They ask that this Government may not be known and felt only as an engine of mischief—as a thing to be execrated.

I had occasion, Mr. Chairman, in considering another bill of the present series, to review the manner in which the first experiment was carried into effect through the agency of Mr. Kendall. I will not repeat what was then said, but I will advert to another fact, which is now placed beyond dispute, and which displays the reckless and unprincipled spirit of this warfare. It is now conceded that the employment of State banks was with a full knowledge that they would prove incompetent to the purpose, and that the attempt would break them down. They were enlisted into the service of the United States, to be crushed in their hour of exhaustion. The same policy is here visible as led to overtures to the western Indians to take part in the Florida war. Sir, we are not left, on this point, to presumptive evidence, or even to the testimony of Judge White. We have a direct revelation. The Globe of 31st July last has an elaborate essay, evidently drawn up by one who had been admitted behind the scenes, if not himself a principal actor. It appears in a journal, too, whose editor could not but know whether the statement made was true or false. Congress, at its session previous to the removal, had declared the deposites safe in the United States Bank. That body would reassemble in a few weeks. It was resolved, therefore, to strike an immediate blow, for the reasons thus set forth by the correspondent of the official paper, not two months ago.

"It was deemed essential to force the bank into the field prematurely, and cripple her in anticipation. This could be done only by a removal of the deposites early in General Jackson's second term. It was believed that, if she submitted to the measure in peace, she would be quietly stripped of her power; a new system would be in full and successful operation before the expiration of her charter, and she would glide out of existence almost unobserved. If she resisted, it was not doubted that she would be vanquished by the ever-victorious chieftain."

In reference to a complaint by some, that General Jackson had not disclosed, at the outset, his purpose of putting down all banks, but, on the contrary, had insidiously affected to foster them, and to enlist their co-operation, this writer says:

"Let those who now inveigh against the employment of State banks at that time, look back, and ask themselves whether it was possible for General Jackson to accomplish his object by any other means. If he had proposed a separation from all banks, he would have found all the State banks and their friends in full and effective alliance with the Bank of the United States—a league which it was not desirable to encounter. Neither the public mind nor the opinions of members of Congress were then prepared," &c.

Mr. Chairman, is not all this most humiliating to our national pride? Does it not almost sicken us with the forms of popular Government? How often have we listened to professions of unbounded faith in the intelligence and virtue of the people? And yet it is undeniable that the dear people—the cherished people—the profound and infallible people—so far from having had their judgment consulted on great public measures, have been anxiously kept in profound ignorance of what was meditated. They could not be trusted with the secret. They have been seated, like children at a circus, gazing with bewilderment at adroit equestrians, as they cast off into the ring successive trappings of disguise!

Yes, sir! It is now avowed that all the movements we have witnessed were only preliminary—mere feints—a series of masterly stratagems upon the people! We are almost forced to believe that the plan of operations devised for the war upon the Seminoles was, in the rapid shiftings of the Department, adopted, perhaps by mistake, for the war upon the currency.

Mr. Chairman, there is a paragraph in the President's message, to which I could not listen without pain at the light in which it must place the Chief Magistrate of the country before all those who have watched the course of events. I allude to the passage in which he adverts to a prophecy that, under a State charter, the Pennsylvania Bank of the United States would prove stronger than ever. Sir, I think that such anticipations were justifiable. It might well be supposed that, on escaping from the constitutional scruples which clogged her former existence, and from the party contests which perpetually sought to involve her in their vortex, there would be no longer a motive for persecution. It was, doubtless, believed that many even of the politicians who had joined in a cry against the bank, in order to keep abreast of a supposed popular current, would gladly atone to their own consciences by, at least, an amnesty. Was it not rational to presume that the States would cordially welcome the advantages to be derived from its career of quiet usefulness? And, when the State of Pennsylvania had thrown round it her ægis, was it to be apprehended that those, at least, who had been so long indulging in sentimental regrets over "the lost rights of the States," would be the first to trample upon such as are unquestionable? And yet, sir, how was it? You well know the subsequent history. The topic was too precious for demagogues to be abandoned. Party fires had begun to wane and languish for want of the accustomed blast and aliment. The war assumed a character of unprecedented fierceness. Before the wax of the charter was cold, you saw the great State of Ohio, under the influence of party excitement, passing a law to inflict the heaviest penalties upon any one of her citizens or corporations who should dare to act as the agent of that bank. We of Pittsburg well know that the result of this single blow was to paralyze, in a great measure, the western business of the bank. There was denied even a right of way, and it became almost perilous to open in Ohio a letter connected with her affairs. You saw, also, under the same impulses, the branch expelled, on a few days' notice, from Missouri. And in other quarters, so far from being permitted to take the position of a regulator, she has been compelled to pass an obscure and uneasy existence, constantly assailed by party clamor, and with the Government and its minions ready and eager, at any moment, to second a blow at her interests.

And who, sir, took the lead in that crusade? The writer of this very message. You saw him, with astonishment, arraigning the sovereign State of Pennsylvania for a high misdemeanor, before a Cincinnati dinner-table. You saw him addressing to that dinner-party an inflammatory letter, urging them, amidst their orgies, to lift high the wine-cup in pledge of eternal hostility to our Pennsyl-

vania institution. And yet, sir, he who has successfully employed the influence of his high station as Vice President in efforts to cripple that institution—to baffle all her exertions to be diffusively useful—now sneers in this high state paper at the sanguine hopes with which she entered on her new career!

It has been a subject of complaint here that, amidst the falling to pieces of the system of over-banking, to which your policy gave unrestricted scope, the Pennsylvania institution did not continue to pay specie. From whom is this heard? From those who had destroyed her national character, and with it all accountability to the nation; from those who had broken down the only barrier against over-issues of paper, which then, "like to an entered tide," had rushed by and flooded the country; from those who had compelled her to wind up and to dispose of her resources at a long credit; from those who, in 1833, declared that she was "a reptile beneath the feet of the Secretary of the Treasury," and that she had been "brought to her knees at the first blow of the State banks!" Surely, it is of the essence of modesty and consistency that such complaints should proceed from such a quarter. But, forsooth, she might, as she asserts, have continued specie payments. Be it so. The fact cannot well be questioned by those who ring in our ears her tremendous power and resources. But would such a course, if practicable, have relieved the country? Every candid man must admit that exactly the reverse would have been the case. If she continued to pay out specie, she must resort to measures to compel a similar course on the part of others. And who does not see the wide-spread ruin that must have ensued? Look at the bill upon your table for the adjustment of claims upon the deposite banks. Before a resort to suit, you provide for the offer to receive payment in protracted instalments. This is already pronounced, by gentlemen from the quarters in which they are located, to be oppressive and ruinous. Yet you reproach the Pennsylvania bank for not having taken the position which would have compelled a far sharper and more peremptory action on her part. It seems to be the misfortune of gentlemen, otherwise amiable and just, to catch the spirit which prevails here, and to suppose that a capacity for mischief necessarily implies the exercise of it. No, sir! If the whole force of the Government could not sustain a league of banks, the Pennsylvania institution might well decline to become an instrument for gratifying the blind and ungovernable rage with which the Executive was disposed to turn upon those who had been so long the objects of eulogy and favoritism. She did wisely, I think, not to exhaust herself in an effort to destroy them, but to reserve whatever strength she possessed to co-operate with them in an effort to relieve the country from the evils into which misgovernment had plunged it.

Sir, after destroying the best currency with which any country was ever blest, the friends of the administration tell us that they have constitutional scruples about meddling further with the subject; it is no concern of theirs; they doubt their right to cure the mischief they have inflicted. Suppose, sir, one of your naval commanders should insist on taking under convoy a fleet of American merchantmen. He declares that he has the only accurate charts; that he is familiar with every shoal of the channel, and every indentation of the coast. But, in the midst of difficulty and danger—with breakers around and signals of distress every where flying—he is seen refusing the aid of a single boat or anchor, and abandoning to their fate the victims of his ignorance and presumption. Would it be sufficient for such an officer to say, as has been argued here, "mine was a national ship intended to meet the public enemy; had I rendered assistance on that occasion, the next request would be to throw overboard my guns for the more convenient transportation of merchandise?" If such arguments would be met by universal scorn and execration, must not the country regard with similar feelings the course of the dominant party?

But, sir, (said Mr. B.,) it is contended that the nation will cheerfully sacrifice itself for a metaphor. The word *divorce* is to reconcile us to every evil. This seemed to him a singular notion, with regard to a people supposed to cherish, in an especial manner, all the endearing ties and sympathies of domestic life. The word has been supposed to bring up the most melancholy images; it speaks of violated faith—of ungovernable passions—of a desolated fireside. The most remarkable case on record is that of Henry VIII; on which rests the yet unmitigated execration of mankind. There, too, the talk was of State policy; and even religion was pressed into service as the handmaid of lust. The purest statesman of the age was led to the block for his opinions about the divorce. Sir, what has been the past career, and what is the present state, of the party in this matter? You have long since madly broken away from a legal connexion, sanctified by a happy and serene cohabitation of forty years. In your downward course from respectability, you next took to your pets, to the infinite shame and mortification of all decent persons who looked on. And now you are wearied of them, and wish to go upon the town at large! This craving for novelty—this change of doxies—you dignify with the name of a *divorce*, which shall console us in the midst of our calamities. The man whom you have deprived of the chance of earning a dinner for his wife, is to go home and comfort her with talk about the divorce!

Mr. B. said there was one topic to which, in conclusion, he could not forbear to advert, as, in his view, fixing more conclusively than any thing else the character of the message. He alluded to the subject of a bankrupt law, to which thousands had been looking with intense anxiety. In order to render himself intelligible, it would be necessary to recur to opinions which the present Executive had heretofore expressed.

The most serious recent struggle for the establishment of a bankrupt law was in 1827. On the 23d of January of that year, the debate in the Senate was on a motion to strike out the 93d section of the bill, which extended its provisions, under certain circumstances, to other classes of citizens than mere traders. Mr. Van Buren strenuously supported the motion to strike out, declaring that no one but a trader could, under the constitution, be the object of such a law. He reasoned thus:

"When I say I am in favor of a bankrupt system, I mean to be understood as speaking of a bankrupt system in the language of the constitution, and such as was in contemplation by the framers of that instrument. He objected to the constitutional power of Congress to pass the section referred to. In his judgment, the provision contained in the 93d section was not within the reasons which induced the framers of the constitution to vest this power of establishing uniform laws on the subject of bankruptcies in Congress. That it was a power which never ought to be, or to have been, vested in Congress."

Speaking of the dangers of passing the true line, he remarks, that the power to Congress being exclusive, any extension of it would trespass on the rights of the States. He adds:

"if it was put to him to decide between being a party in such surrender, or the loss of the bankrupt law, he could not, as he viewed the subject, without being false to his trust, hesitate in preferring the latter."

The present Secretary of the Treasury (Mr. Woodbury) took the same ground. He said:

"This grant was not to legislate on the subject of contracts generally—of descents—of suits at law; but on the subject of bankruptcy. To bankruptcies, and to bankruptcies alone, then, was the power confined. And the word 'bankruptcies,' as used in the constitution, was

never, in his apprehension, intended to extend beyond embarrassments and failures amongst mercantile men. Grant that some persons, not strictly traders, may, at times, have been included in the provisions of some laws on the subject of bankruptcies; yet this was where the power of legislation was unlimited—where all legislation, as to all creditors and debtors, was invested in one body. It has but seldom occurred anywhere, and existed nowhere at the time of this grant of power to Congress." "He was opposed to this feature of the act, because to pass it would be to bring subjects and citizens within the scope of the General Government, never contemplated by our fathers; would be sweeping all classes into this Norwegian whirlpool—this vortex of disaster and difficulty to State rights and State independence, from which he could see no means of extrication."

Mr. Woodbury, on a subsequent day, (27th January, 1827,) said:

"Under a special grant of power to us, in 1789, to pass 'uniform laws on the subject of bankruptcies,' how could we then extend those laws to persons who, at that time, were not within the letter or spirit of the bankrupt system, any more than we could extend them to distinct subjects of land titles, or forms of legal process? It need hardly be argued that, if we, as the agents of the several States, with explicit powers, undertake to construe the language of those powers broader than what we know the language was then understood to mean, it is as much a violation of the constitution as it would be to usurp powers entirely new."

We may now advert to the application of these principles to another clause proposed to be inserted in the bill. On the 6th of February, 1827, Mr. Branch, of North Carolina, introduced an amendment extending the act to banking corporations. He said:

"The country is inundated with paper money; and if the merchants of the country were to be made bankrupt when they cease to pay their debts promptly, why should not incorporated companies, placed in the same circumstances, be subjected to the same consequences? The banks of the South had given circulation to a paper currency which had, in many instances, become depreciated, to the great loss of the people; and while the banks are unable or unwilling to pay their honest obligations, no measures were pointed out by which a just disposition of their effects could be enforced for the benefit of the numerous creditors. To place some barrier to the operation of such a state of things, was his object in proposing this amendment. There was no subject, he believed, upon which greater unanimity of sentiment existed, than upon the evils arising from the present banking system. The evils arising out of a paper currency, when not placed under restrictions sufficiently severe to restrain those engaged in bank companies from profligate or careless conduct, were universally admitted. He, therefore, wished to apply the pains and penalties of the bankrupt system to these evils."

Let us see what stand the present Executive took on this subject. I read from the Congressional Debates:

"Mr. Van Buren said it could not be denied that the clause interfered with the regulation which State Governments might have adopted for the Government of their State institutions, which was an odious exercise of power not granted by the constitution. The amendment has this extent: it directs the States as to the manner in which they shall exercise their sovereignty in this particular, and points out what penalty shall be inflicted, in case the charters granted by the States are violated. In fact, it points out what the privileges granted to the incorporations shall be, by dictating the forfeiture and directing what the companies may, and what they may not do. All this has hitherto been done by the States. They have assumed the direction of these matters as a right, which they doubtless have. And in including this subject of corporations in the bill now before the Senate, it will be taken entirely from the States and subjected to the power of the bankrupt system. This was never done, and never attempted, in any country on the face of the globe. In England, such a provision was never dreamed of; nor did he believe that, when the constitution was framed, such an attribute was imagined by those who authorized the establishment of a bankrupt system." "The duties of banking institutions must necessarily be discharged by agents. Their essential responsibility is intangible by such a law. If the clause were to be inserted, and banks permitted to be made bankrupts, upon whom, upon what human being, could the penalty of the law be made to rest? Would you apply the rigor of the system to those agents, who are so far from being principals in the delinquency of the institutions to which they are attached, that they are only the hired servants of these banks? This could not be. It would be the height of injustice to implicate, in a penal manner, these agents, and not for fraud, but merely for the inability of the corporations to pay their debts. The individuals employed to carry on these establishments surely should be exempt from the penalties of bankruptcy: they are persons without whom they cannot be carried on; they are the agents of all those who hold stock in their banks; they act for the various classes of individuals whose means are confided to banking companies, and among whom are to be found the widow and the orphan, who are deeply interested in having capable and honest men to fill these agencies. But how could such men be induced to occupy those situations, if they were to be made individually responsible, not only for their own acts, but for the misfortunes and losses of their corporations. On the other hand, would you render the stockholders liable for the disasters of the institution? In cases of misconduct by the officers employed by them, or a majority of them, would you make them answerable for an act of bankruptcy? Could they, in justice, be liable for the malversation of agents employed by them to transact a business of which they were, all of them, probably ignorant? He thought that no great expenditure of reasoning need be made to show the true answers to these inquiries; and the very questions, he conceived, illustrated the difficulties of the case. His idea of a bankrupt system was, that it could not be applied to any but individuals or principals, and that it was not capable of being made to operate on associations, or on the subordinate agents, either of individuals or corporations. He therefore objected to this amendment. He did not wish the bill to be defaced by any inappropriate provisions."

The clause was rejected; Mr. Van Buren and Mr. Woodbury voting *against it*.

Here, then, is the doctrine distinctly, and without qualification, announced and acted on—that to extend to corporations, in any way, the provisions of a bankrupt law, would violate the constitution; and that, even if no constitutional obstacle existed, it would be an outrage upon the dignity and sovereignty of the States.

What then must be thought of the sincerity of the President, when we find in the message recently addressed to us the following paragraph:

"In the mean time, it is our duty to provide all the remedies against a depreciated paper currency which the constitution enables us to afford. The Treasury Department, on several former occasions, has suggested the propriety and importance of a uniform law concerning bankruptcies of corporations and other bankers. Through the instrumentality of such a law, a salutary check may, doubtless, be imposed on the issues of paper money, and an effectual remedy given to the citizen in a way at once equal in all parts of the Union, and fully authorized by the constitution."

Thus, sir, we see that the only measure of relief for the people which the President suggests, is one that he and the

Secretary have united in denouncing and defeating. Did the President suppose it would pass? Was he not aware that, if passed, he would be bound to veto it?

It would be remarked, as a singular feature in the case, that in the message there was an implied reproach upon the Congress of other days for slighting the suggestions of former Secretaries on this subject, when, in truth, that very result was brought about by his own vehement resistance.

We have been informed by the Judiciary Committee that they do not intend to bring forward, at the special session, any bill on a subject which the President suggests as the only remedy that has occurred to him to relieve the country from a depreciated currency. Doubtless we shall never hear a word more on the subject.

Mr. B. said he was not disposed to apply harsh epithets to the conduct on which he had thus animadverted. He was willing to leave the matter to the people. It would be for them to say whether there had been manifested a genuine sympathy for their condition, and an anxiety for their relief, or whether their sufferings had been mocked and their understandings insulted.

Mr. ROBERTSON said he was opposed to the bill, whether designed to raise revenue or to create a circulating medium. As a revenue measure he believed it unnecessary, and, under that impression, he was unwilling, at this time of general pressure, to incur a new debt or levy upon the people additional burdens. The Secretary of the Treasury anticipates a deficit of five or six millions of dollars only. He proposes to withhold the fourth instalment set apart for the States, or to resort to some other resource for a sum equal to ten millions of dollars; which he gives us to understand will meet all necessary expenses, and leave a surplus of one million for the mint, and three or four millions for sudden and contingent calls. The same view is presented still more distinctly by the President in his message. He tells us:

"The sum necessary for the service of the year, beyond the probable receipts and the amount it was intended should be left in the Treasury at the commencement of the year, will be about six millions."

He makes this estimate on the supposition that indulgence will be extended on the merchants' bonds. Adverting to the means of supply, he says:

"It is not proposed to procure the amount required by loans or increased taxation. There are now in the Treasury $9,367,214, directed by the act of 23d June, 1836, to be deposited with the States in October next."

He then recommends the use of this sum, as the whole or the greater part will be wanted to defray existing appropriations. Well, sir, we have granted the sum required, in the very mode recommended by the Executive, by violating our engagement solemnly made with the States; and now, before we have determined whether any or what indulgence shall be extended to the merchants or the banks, we are called upon to authorize an issue of ten millions in Treasury notes, making (exclusive of the sum withheld from the States) about forty-six millions for the current year. It is true the President proposes this issue, not in addition to the funds withheld from the States, but temporarily, and only until the amount can be collected from the banks. But there is no pretence that the banks are insolvent; nor is there any proof that the whole or some part at least of what they owe may not speedily be collected or made available. We well know that hitherto drafts upon them, whether paid or not, have served the purposes of the Government; indeed, that, even when protested, these drafts have readily sold in the market at a premium of six or seven per cent. If six millions only of the sum wrested from the States can be commanded, they will suffice, as the President himself informs us, for the service of the present year. Yet we are to issue ten millions in Treasury notes, redeemable at the expiration of twelve months; six millions to supply what, there is every reason to believe, we may obtain from the banks indebted to us, or make available by drafts upon them; and the residue, avowedly, to provide or keep up a surplus for the mint, and for unforeseen contingencies. I question much, sir, the propriety of this annual appropriation for the mint. There is reason to fear that we are making money there at a heavy expense, and, if so, the sooner we get rid of a losing concern the better. As for the surplus for sudden emergencies, the very contingency has occurred for using whatever portion of it may remain; and I would sooner expend every dollar of it than issue a Treasury note, or impose a burden of any kind upon the country. This is not the time to create or retain an idle surplus of three or four millions in the Treasury.

But funds, it is said, are wanting to carry on what is called the Florida war. If that be so, profoundly ignorant as we are still kept of the true cause of that war, discreditable as its conduct has been to the administration, I am ready to vote adequate supplies for the protection and security of our frontier settlements. But has the Executive called for a further appropriation for that object? If there be in the message the most distant allusion to such an appropriation, it has escaped my notice. The President sums up in a single paragraph the objects to which he invites our immediate attention:

"To regulate, by law, the safe-keeping, transfer, and disbursement of the public moneys; to designate the funds to be received and paid by the Government; to enable the Treasury to meet promptly every demand upon it; to prescribe the terms of indulgence and the mode of settlement to be adopted as well in collecting from individuals the revenue that has accrued, as in withdrawing it from former depositories; and to devise and adopt such further measures, within the constitutional competency of Congress, as will be best calculated to revive the enterprise and to promote the prosperity of the country."

These are the reasons assigned for the present inconvenient and unseasonable convocation of Congress. Yet my colleague [Mr. Wise] may have been right in suggesting that the true motive is to be found in the necessity of providing further means to carry on the war in Florida. For, of the various objects supposed to require immediate legislation, there is not one which the Executive, in the plenitude of its authority, had not already provided for, or which might not have been deferred without much detriment to the public interests, till the regular period of our annual session.

Why are we told, sir, of the necessity of regulating the safe-keeping and disbursement of the public moneys? The deposite act already provided for the case which has occurred; directing that, where the banks shall be discontinued as depositories, the public moneys shall be kept by the Treasurer, subject to be disbursed according to law. But without regard to this provision, or waiting for any new legislation, the Executive proceeded at once to organize a new system. Circulars were addressed, in May last, to the collectors and receivers of public money, requiring them to keep it in their own hands, subject to the directions of the Treasury Department. [Mr. R. here read extracts from the circulars referred to.] The Executive, as usual, made a law to suit its own views of the exigency of the case, and the system then adopted has continued ever since in full operation.

Again, Mr. Chairman, why speak of designating the funds to be received or paid by the Government? The resolution of April, 1816, was in full force. It is true the famous Treasury circular had been issued in defiance of that resolution; and that when Congress reasserted its authority, and passed an act virtually repealing it, and doing precisely what is now recommended—designating the funds to be received in public payments—that act was not regarded by President Jackson as meriting the honor of his notice. But the present incumbent, none can doubt, has at least

as good a right to rescind the unlawful edict as his predecessor had to issue it. The existing regulations prescribe, moreover, the very funds, which it is apparent, from the whole scope of the message, the President considers alone admissible. Why, then, call upon Congress again to designate those funds? What assurance have we that, bound as he is to follow the footsteps of his predecessor, another law upon the subject will not be treated like the first? Or of what avail is it for Congress to enact laws which the Executive habitually supersedes at its pleasure?

As to making provision to enable the Treasury to meet the demands upon it, I have already endeavored to show that under the practice prevailing at the Treasury of drawing upon the deposite banks, and the determination adopted by the Executive of withholding the fourth instalment due the States, there were abundant means to meet all necessary expenditures during the current year, or at least to enable the Treasury to hold out until the first Monday in December.

Nor was there, sir, the least occasion for an extra session to grant indulgence to public debtors, or prescribe terms of settlement with them. The same authority which the Executive has exercised in relation to those subjects, up to the present moment, might just as lawfully have been exerted for two months longer.

There remains, then, but a single ground upon which the President has placed the justification of this extra session: the propriety of devising and adopting measures, within the constitutional competency of Congress, to revive the enterprise and promote the prosperity of the country. The importance of these objects none will contest. But what measures, calculated to effect them, does the President recommend? Not one. That most generally and urgently demanded by the commercial community—the establishment of a national bank—he unhesitatingly rejects, as not within our constitutional competency. Believing, as I do, such an institution both unconstitutional and inexpedient, I am gratified to find that he speaks in reference to it in no equivocal language. More, sir, I must frankly declare that I concur most fully in the doctrine of the message, that it is not the province of this Government to legislate in favor of particular pursuits. The public credit, the public treasure collected from all, are the common right of all, and cannot justly be appropriated to the exclusive or special use of a favored class. Government owes equal protection to the industry of all: pecuniary assistance to none: to those engaged in commercial pursuits not more than to the farmer or mechanic. Its revenues and credit cannot be legitimately applied to such purposes; and with no greater propriety indirectly, through the facilities of a national bank, than by a direct loan or grant.

There is one measure, Mr. Chairman, by which it seems to me some relief may be constitutionally extended to the country: not by establishing a national bank, nor by issuing Treasury notes. The measure to which I allude—I mention it with great diffidence, for it is not, I am confident, generally approved, and is expressly discountenanced by the President—is a relaxation of the law requiring payment of public dues in specie, or in notes of specie-paying banks. Let us temporarily dispense, in part at least, with this rigorous exaction. Let us receive a portion of the revenue in such notes as the people receive from each other: such as the State Governments accept in discharge of public dues; provided they be not so far depreciated as to justify an apprehension that they will not be ultimately redeemed. Let us pay all public creditors alike in the funds we receive, provided they consent to take them; and, if not, suffer their claims to remain a charge upon the Treasury, to be paid in gold and silver, as soon as it can be procured to satisfy them. Let us reduce our extravagant expenditures, and put additional guards upon collecting and disbursing officers. Let us place the public money in the State banks, on special deposite, and not as a basis for loans: thus avoiding the danger of a connexion, either in political concerns or pecuniary interests, between the Government and the banking institutions of the country. By these means, while we provide for the safety of the public treasure, we may afford the people that relief which the times require: a substantial, constitutional relief. We shall not then be charged with permitting unjust discriminations among the public creditors: with providing one kind of currency for the people, and another for the Government: with extorting gold and silver at a grievous sacrifice from the many, to put in the pockets of the few: yes, sir, under the sanction of the Secretary of the Treasury, to divide among ourselves. The people have a right to complain of these things; and without imputing to the Secretary the dishonorable motive, in tendering gold and silver to members of Congress, of designing to conciliate their favor by a paltry bribe, I cannot but regret that the offer was ever made or accepted. It has subjected them to humiliating applications from brokers and money changers, to sell at a premium what has been wrung at a great loss from the people, and prevented them from feeling the inconvenience to which their constituents are subjected; of soiling their hands and their pockets with the wretched trash currently circulating through the country. If we can apply no remedy for the evil, we ought at least to bear our share of it.

But it does not become me, Mr. Chairman, at this time, nor perhaps at any time, to press upon those who administer the Government measures of the character of those to which I have alluded. We are given to understand in the message that the receipt into the Treasury of notes not redeemed in specie, on demand, ought not to be sanctioned. So far from relaxing, the President seems inclined to increase the rigor of the law, by withdrawing the privilege of paying in notes of specie-paying banks, and, during the present almost unexampled difficulty of procuring them, to exact gold and silver exclusively. With these views, why should he speak of designating the funds to be received, when the law already requires the only funds he approves? Why convene Congress to adopt measures for relieving the country, when he recommends none, and is opposed to all that promise any general or effectual relief? As to the particular measure before us, it is not designed to relieve the people, but to impose a new burden upon them, for the relief of the Government, and that in an unusual and odious form. I am constrained, sir, upon principle, to vote against it; and I would now move to strike out the first section of the bill, but that I am unwilling to deprive other gentlemen of the opportunity of presenting their amendments. There is no amendment, however, which can induce me to vote for it, so long as the feature remains authorizing the issue of Treasury notes. But if the administration will submit a proposition for the necessary supplies to be raised in the ordinary way, or any gentleman will propose plans of general relief, within the pale of the constitution, I pledge myself to give such measures my humble support, regardless of the quarter from whence they come.

Mr. THOMAS said he did not rise to participate in the discursive debate which had been invited by the speech of the gentleman from Pennsylvania, [Mr. Biddle.] His attention had been attracted by the closing remarks of that gentleman, and he would do now what he had desired to do a few days since, and submit to the House and to the country a brief explanation, due to the committee of which he had the honor to be the chairman.

When the gentleman from Pennsylvania heretofore called on the chairman of the Judiciary Committee to respond to certain inquiries, Mr. T. was about to give a full and detailed reply, but was warned by the Chair that such a

proceeding would not be in order. Subsequently, a resolution declaring that it is inexpedient to report a bankrupt law at this special session of Congress was adopted in the committee, and it became his duty to present it to this House. After the resolution had been agreed to by the committee, he inquired of the members present whether he should state to the House the reasons by which they had been influenced, and was told that it would be most agreeable to all concerned to have the conclusion they had come to announced without comment. This was accordingly done.

The manner in which these proceedings have been adverted to by the gentleman calls for a few words in explanation, to guard against misapprehension.

There has been no purpose to disguise the opinions of the Judiciary Committee, or of any of its members, on the grave subject committed to their consideration. The members have been frank with each other in the committee room, and have nothing to conceal from this House, or from their constituents. It is to be hoped that no man supposes that they have sought to avoid a direct decision on any question that could be at this time, with propriety, disposed of. At their first meeting, no opinion could be formed as to the probable duration of the present session of Congress. If it was to be extended beyond the first Monday of December, ample time would be afforded to act upon the business to be reported by the Committee of Ways and Means, and also to establish a uniform system of bankruptcy. But if the session was to be closed before that period, and in time for members to go home and return again, all foresaw that the whole time of the House would be engrossed by the measures expected from the Committee of Ways and Means. Under these impressions, the committee determined not to act upon the matter referred to them, until they could be satisfied that the House would take that subject into serious consideration at the present session. After it had been ascertained that the present session would not be blended with the regular session of Congress, the committee again assembled, all the members being present but one, [Mr. Hoffman.] A motion was made that the committee be discharged from the consideration of the policy of establishing a uniform system of bankruptcy. The proposition was rejected—for it two, against it six votes. The resolution declaring it to be inexpedient to report a bankrupt bill at the present session was then adopted without opposition.

These particulars are given that the public may see that a decided majority of the committee are disposed to examine further at the next session, if that duty should be imposed upon them, into the propriety of exercising the powers conferred on Congress respecting bankruptcies.

The establishment of a uniform system on that subject is now a work of great difficulty and delicacy. The people of the several States have been long accustomed to insolvent systems differing essentially from each other. If an attempt is to be made to supersede them by a general law of the United States, it is certainly desirable that ample opportunity should be first afforded for a full development of public opinion on the subject. Since the message of the President and the report of the Secretary were referred, a very short time has elapsed. Notwithstanding this, if the committee had supposed that there existed any necessity whatever for speedy action, they would doubtless have proceeded with the lights already before them. But this is manifestly not the case. We have been invited by the President and the Secretary of the Treasury to explore the power granted to this Government concerning bankruptcies, to see whether we cannot, in a manner authorized by the constitution, impose some salutary check upon the issue of paper money, and guard against a recurrence of that great catastrophe which has inundated the whole country with a depreciated currency. The evil to be remedied grows out of the mismanagement of the banking corporations created by the several States. Now, whether the operations of a bankrupt system are to be extended to banks already in existence, or only to such as may be hereafter created, there can be no necessity for hasty action. It is not probable that any State will, under existing circumstances, create any more institutions similar to those whose dark bodies now cloud the landscape of the whole Union, and whose misconduct and misfortunes have prompted a thorough examination into all the powers of this Government, to discover, if possible, some means to make them respect our fixed policy, and act in strict subordination hereafter to the laws of the land. Neither is it probable that Congress would be inclined to subject existing banks, without delay, to the operations of a bankrupt law. Time ought to be given to these institutions, on account of their numerous stockholders and debtors, to recover from the dilemma into which they had fallen. Before we undertake to enforce a new rule of morals, altering essentially the past policy of the country, all parties to be affected should have time to prepare for the change. In no event, then, can there be a necessity for acting on the recommendation of the President concerning banks at the present session. At the regular session it can be deliberately disposed of without injustice to any interest involved. Moreover, it will be perceived that neither the message of the President, nor the report of the Secretary, referred to the committee, contains any proposition to devise a general system of bankruptcy applicable to merchants and others; and the committee believed that they would not have met the expectations and requirements of the country, if they had reported a bill applicable to banking corporations alone. Between the close of this and the commencement of the next session, the public mind may be turned to this very important subject, and Congress will reassemble in December, with the advantage of much additional information.

How far these considerations, or any of them, have operated on other members of the Judiciary Committee, Mr. T. was not prepared to say. Suggestions similar to these were made when the resolution was assented to which has been handed to the House. But he was not authorized to say whether any one or all of the majority of the committee are ready to adopt or repudiate the measure recommended by the President. On that point he could speak for himself only. He had bestowed upon that measure a good deal of reflection, and had examined and listened to many of the arguments urged against it, and yet had not heard nor found any thing to bring to his mind the unwelcome conviction that there is no power in any of our Governments, State or federal, to check and control effectually the corporations of the country. He was reluctant to believe that a State can, by a grant of a charter, secure to a portion of its citizens an exemption from the obligations intended to be imposed on all the people of the United States by one of the most important articles in the federal constitution. That instrument denies to the States the power to impair the obligations of a contract. There is no distinction to be found there between the contracts of corporations and those of individual citizens. The obligations of all are to be held sacred and untouched by State legislation. Nearly all, if not all, the corporations that have secured banking privileges from the States, are required to pay specie on demand for their notes and other liabilities. In fact, nothing but specie can be made a legal tender by a State in payment of any contract into which they may enter. The notes containing such a promise are received by the community, and without that promise they would not be accepted. And he was unwilling to believe that Congress cannot interpose when these contracts are violated, and deny to any State the right to impair their obligations by attempting to legalize a suspension of specie payments. The position of the banking institutions of the country at this moment cannot but induce a strict search

into all the powers of the General Government for a remedy co-extensive with the evil now afflicting the country.

For inviting attention to this subject, the President is entitled to the thanks of every patriot and philanthropist. The banks of the States ought to be indulged in the free exercise of all powers lawfully granted. But they must not be permitted to inundate the whole country with their promises to pay, and then, with impunity, depreciate the currency thus put afloat, and subject the people at large to the evil consequences of this mismanagement, while their stockholders are not only exempt from the losses incurred, but have an opportunity, in common with the whole community, to speculate in, and profit by, the fluctuating value of their own contracts. The directors of these institutions may be all honest and honorable men, but, assuredly, they often set on foot a system of shaving—he had almost said of plunder and robbery—by which the speculator snatches from the hand of industry half the bread it has earned.

The gentleman from Pennsylvania has read to the House a portion of a speech made by Mr. Van Buren in the Senate, in 1827, to show that the sentiments then entertained by that distinguished man differ widely from those contained in his late message to Congress. Supposing that he had established this inconsistency, the gentleman tells us that he will not indulge in harsh epithets. Be it so, sir. If, however, the gentleman should think proper to characterize harshly what he considers an inconsistency, Mr. T. presumed that, if the Chief Magistrate did not think proper to defend himself, some one of his friends could, without difficulty, satisfy the country that he had been unjustly assailed; but he flattered himself that this would not become necessary. When the gentleman has deliberately reviewed the speech and the message, and has taken into calm consideration the circumstances under which they have been severally uttered, he thought the gentleman would find that denunciations of their author would be misplaced.

The President, in his message, suggests "that it is our duty to provide all the remedies against a depreciated currency which the constitution enables us to afford. The Treasury Department, on several former occasions, has suggested the propriety and importance of a uniform law concerning bankruptcies of corporations, and other bankers. Through the instrumentality of such a law, a salutary check may, doubtless, be interposed on the issues of paper money, and an effectual remedy be given to the citizen, in a way at once equal in all parts of the Union, and fully authorized by the constitution."

This language the gentleman from Pennsylvania supposes conflicts with the declarations made by Mr. Van Buren, in a speech delivered in the Senate, in 1827, against an amendment offered by Mr. Branch to the general bankrupt bill then and there under consideration. If this supposition was well-founded, there would be no just cause to apply "harsh language" to the President. He could have avoided, without censure, making the suggestions in the message which have exposed him to the charge of inconsistency. This will not be denied. If, then, he was not compelled to speak; if Mr. Van Buren could with propriety have been silent, let us inquire with what propriety any unworthy motive could be imputed to him? No one will maintain, Mr. T. imagined, that the Chief Magistrate has not a large share of sagacity and foresight. His enemies impute to him powers of mind almost magical. He must have known, then, that he has, by suggesting a bankrupt law as a remedy against depreciated currency, put in peril his popularity at home, where he must be most anxious to stand firm in the affections of the people. He has, too, by the same step, risked an addition to the number of the enemies of his administration throughout the country.

Whatever might be, therefore, thought of the wisdom of his opinions, surely no one ought to impute to him selfish or unmanly inducements, if, in fact, he had in the message contradicted the doctrines of the speech. But is this true? To test the correctness of the charge, it will be necessary to examine what would have been the effect, and look to the object of the motion which Mr. Van Buren resisted.

The bill before the Senate in 1827 was founded on the assumption that all who were to be subjected to its provisions were natural persons. For the enforcement of its requirements heavy personal penalties, including imprisonment, were to be resorted to. Mr. Branch proposed to amend this bill, by inserting in the first section the words "or other banking corporations." This amendment was opposed by Mr. Van Buren, in the speech from which extracts have been read to the House. If the motion had been assented to without other material alterations in the bill, it would have been an anomaly in legislation.

Banking corporations are intangible, ideal beings, and could, of course, do nothing which, according to the bill, would have amounted to an act of bankruptcy. Seeing this, Mr. Van Buren supposed, if the amendment prevailed, that it would become necessary to new model the whole bill. He therefore proceeded to inquire, if the clause were to be inserted, upon whom the pains and penalties of the law could with propriety be made to rest. He insisted that the officers of the banks ought not to suffer in their persons or private property on account of the failures of the banks. They are but the employed agents of the stockholders, and must act in obedience to the directors of the institution; and it would be the grossest injustice to make them individually responsible, not only for their own acts, but for the misfortunes and losses of corporations which they had no power to control. He maintained, also, that the private property of stockholders in banks then existing ought not to be subject to seizure by commissioners of bankruptcy, to satisfy the debts of the corporation.

By the charters of these institutions, the stockholders were expressly exempted from all liability for the disasters of the corporation; and Mr. Van Buren contended that Congress could not by an *ex post facto* law inflict upon individuals serious personal penalties, and seize their private property, to enforce contracts entered into by their agents under an authority which exempted them from all liability whatever.

These opinions are not antagonistical to the suggestions contained in the President's message.

The constitution of the United States, without attempting to define the provisions or objects of a bankrupt law, clothes Congress with power to establish a uniform system of bankruptcy. The President has not pointed out any specific mode in which this power shall be exercised; but says that, through the instrumentality of that power, such regulations may be established as will impose a salutary check on the issues of paper money, and give to the citizen an effectual remedy, equal in all parts of the Union, against some of the evils of a depreciated currency. If this cannot be done without controlling the laws of the States, as proposed in 1837, then the suggestions of the message are inconsistent with the views of Mr. Van Buren, as expressed in the debate in the Senate, but not otherwise.

This is not a proper occasion to inquire whether it is competent for Congress to bring the general authority conferred upon it by the constitution over the indebtedness of bankers, whether individual or corporate, in aid of the State laws. But it will not be difficult when that effort shall be made, to show that it can be done conveniently and in strict accordance with the constitutional doctrines contended for in the speech of Mr. Van Buren.

If the bankrupt question should come, while he was a

member, fairly up for discussion in Congress, Mr. T. would undertake to examine how far the several States can limit and restrain the Government, in the exercise of an undoubted power, expressed clearly in the constitution, by grants of privileges and immunities to their citizens, incompatible with that which may be made the supreme law of the land. But, at present, it was not necessary to enter upon what is well known to be debatable ground. The suggestions of the message can be readily carried out without trenching upon the privileges secured to incorporated bankers by the laws of the several States. The condition of the country, at this moment, furnishes an opportunity for an apt illustration of this opinion. The charters of nearly all the banks of the country have been forfeited, by a suspension of specie payments. Until this occurred, the evils of our banking system, although known to be great, were not generally esteemed to be intolerable. Since that event, speculators and shavers are out like hawks upon the wing, preying without restraint upon the community, by buying and selling a depreciated and fluctuating paper currency. In many cases, those who are interested in fallen banks may, and probably will, amass fortunes, at the expense of the producing classes, by purchasing at a discount the liabilities of the institutions with which they are identified. It will be confessed that this state of things aggravates essentially the calamities incident to a suspension of specie payments. If the States do not, could not Congress effectually interpose to correct this revolting spectacle? Could not Congress, after a specified delay in the payment of their notes and other liabilities, which they are required by their charters to redeem in specie, provide, by a general law, that the creditors of such banks may apply to the courts of the United States for adequate process? It would not be requisite to inflict upon the contractors, or their agents, personal penalties; but commissioners might be appointed to take into custody their effects for the benefit of their creditors. Such a proceeding towards an insolvent corporation would produce measurable relief against some of the mischiefs often complained of. The acts and doings of such a commissioner would be public. All parties interested would have access to his papers, and thereby be able to estimate correctly the value of the liabilities of the corporation. At present, under the existing systems of many of the States, the managers of banks that have failed continue to direct secretly their operations. They, and they alone, know minutely their condition, and can ascertain clearly the value of their engagements. The directors may, too, give improper preferences to creditors, or transfer the whole funds of the banks to trustees, instead of making a fair and speedy distribution of them for the benefit of all concerned.

Would not all these mischiefs be prevented by a transfer of the papers and effects of a bankrupt corporation to a public officer, to whose proceedings all parties interested could have unrestrained access? And would not a measure of this character operate to restrain the issues and business of banks within reasonable bounds? If the stockholders were apprized that, on the happening of a certain event, the assets of the bank were to be disposed of for the benefit of all concerned, it is not unreasonable to believe that they would take care to guard against the occurence of such a contingency, by precautions better than those which have been generally used. This being true, here is a simple mode in which the suggestions of the message can be responded to, not inconsistent with the constitution of the United States, which does not in the slightest degree encroach upon the authority of the States to grant bank charters, or interfere with the personal immunities intended to be secured by such grants; and it has none of the attributes of the measure proposed by Mr. Branch, and opposed by Mr. Van Buren, in 1827.

There are other modes in which the great object of the message—a remedy against depreciated currency—could be furthered through the instrumentality of a bankrupt law, not inconsistent with the doctrines contended for in 1827. But it is unnecessary to dwell longer on the subject. Enough has been said to show that the President has not exposed himself to just censure or denunciation, and that the Committee on the Judiciary has discharged faithfully the duty imposed on it by the House.

Mr. T. had arisen to establish those two positions, and not to enter into the debate at large; and having said all that he thought needful for that purpose, he concluded.

[The hour of half past two having arrived, the House took its usual recess till four o'clock.]

EVENING SESSION.

## TREASURY NOTE BILL.

The House met after the recess.

The bill authorizing an issue of Treasury notes being under consideration in Committee of the Whole,

Mr. DUNN, of Indiana, moved to amend the bill by adding a clause declaring, in substance, that the banks or merchants indebted to the Government might settle their respective balances in Treasury notes before they fell due.

But it was ruled not to be in order at this time.

The question was then put on the amendment offered by Mr. RHETT, of South Carolina, and decided in the negative.

Mr. WILLIAMS, of North Carolina, said he observed that, by the bill as it stood, the Secretary of the Treasury was vested with an unlimited power of employing as many clerks as he pleased, and at whatever salary he chose to fix; and he inquired of Mr. CAMBRELENG how many clerks were contemplated as necessary, and what was to be their compensation?

Mr. CAMBRELENG expressed great surprise that such a question should have been put by the father of the House, who had been in Congress all through the last war, and had voted for just such a bill to issue Treasury notes, with a similar discretion as to clerks.

Mr. WILLIAMS denied that he had voted for the bill alluded to.

Mr. CAMBRELENG said he was sorry to hear it. He then referred to a bill passed two years ago, respecting Virginia land warrants, where many clerks were necessary, and in which a similar discretion was entrusted with the Department. He thought the inquiry the most absurd that could be imagined.

Mr. WILLIAMS replied with some warmth to this remark, and a long conversation ensued, in which reference was had to the days of Mr. Crawford, the history of the Bank of the United States, Mr. WILLIAMS's votes for President, and the general politics of the country, in the course of which there was some sharp retort. Mr. CAMBRELENG declining to answer Mr. WILLIAMS's query, he moved that the committee rise; but withdrew the motion at the request of

Mr. DAWSON, of Georgia, who offered an amendment, restricting the number of clerks to four, and the amount of the salary of each at the rate of $1,200 per annum.

Mr. CAMBRELENG expressed his assent to this amendment; and after some remarks from Mr. HAYNES, not heard by our reporter, the amendment was agreed to.

Mr. RIVES, of Virginia, proposed to strike out the 2d section of the amendment moved by Mr. CAMBRELENG, the effect of which would be to provide for the issuing of Treasury notes without interest.

Mr. R. supported his amendment by a speech, in which he insisted that notes of the description he desired, while they met and relieved the wants of the Government, would equally meet the great want of the people, by giving them a uniform circulating medium. He contended that no ob-

jection could be urged to this measure, save by the advocates of the Bank of the United States, or by persons desirous of speculating on the necessities of the community; these notes would at once reduce the balance of exchange with England; and this would operate to prevent their depreciation. Treasury notes would circulate better without bearing an interest than with a low rate of interest; and were the amount $40,000,000 instead of $10,000,000, it would be a safe and salutary measure, and the very best thing Congress could do.

Mr. HAYNES suggested that it was of little consequence whether these notes should circulate, or should be hoarded; for, if they were hoarded, the effect would be to force out an equal amount into active circulation.

Mr. SNYDER said he would vote for the amendment of the chairman of the Committee of Ways and Means, if we were under the necessity of issuing ten millions of paper money; for one, he thought it important that the paper should be of equal value with specie; unless it is, the consequences will be that the issue of this paper will add to, in place of diminishing, the evil which at present exists; for, disguise this as you may, it is a debt which we are involving the nation in to the amount of ten millions of dollars. I have been in the habit of always legislating in a manner that my constituents could understand my acts; hence I would much prefer a loan of ten millions to the present proposed mode of issuing warrants to that amount, redeemable in one year; for, depend upon it, if we keep our faith with the States, we have ten millions to pay them in 1839. There is now a deficit in the Treasury of two millions and upwards; this, together with the ordinary expenditure of the Government, will consume all the contemplated revenue of the next year; and, at the end of that time, the money must be raised to redeem the warrants, and rest assured that the people will understand it when they are called upon to pay it. It is objected, too, that if these warrants bear interest, they will be anxiously sought for, and, being more valuable than specie, they will be locked up, and withheld from circulation. Admit this, it will take ten millions of specie or its equivalent to withdraw from circulation the warrants, thus adding to the means of the banks to resume specie payment. Not only the wants of the people, but the character of our Government, imperiously demands that we should issue none other than a circulating medium which would relieve the deranged state of the currency, and have an equal value with specie. I repeat, sir, I would prefer a loan to the odium of issuing a paper currency, not based on a specie capital, and which the taxes of our constituents must in the end pay.

Mr. CAMBRELENG thought it desirable to get this bill into the House without delay; gentlemen need not dread the previous question, because, as the body of the bill was in the form of an amendment to the bill originally reported, the previous question could not be taken before the amendment was voted on. He explained the reason why, though at first in favor of Treasury notes without interest, he had since changed his opinion. When he proposed notes without interest, a large amount was expected to flow into the Treasury; this was now to be deferred; and it was safest to add an interest to guard against depreciation. Gentlemen ought to remember that one million of these notes bought up and sent abroad was equal, in its beneficial effects upon the state of the currency, to ten millions circulating at home.

Mr. CHAMBERS, of Kentucky, moved that the committee rise; but the motion did not prevail.

Mr. BELL suggested it would be best to pass at once upon the amendments that should be offered, then lay this bill aside, and take up the others, and go through with them in committee, and report the whole to the House without delay. He considered this as the most important bill for the administration of all that had been reported. This was the money bill: pass this, and these ten millions could be converted by the Government into specie, and it had already thirteen or fourteen millions in the deposite banks which this bill would render permanently unavailable; so that they would be enabled to do all they desired, with or without the sub-Treasury bill. The Treasury could securely hoard up the avails of these notes, and then circulate its own drafts.

Mr. UNDERWOOD said he had an amendment which he was desirous to offer as a substitute for the present bill; the substance of which he stated to be, that the Secretary of the Treasury authorize the sale of the bonds due from the Bank of the United States, (other than those for the first instalment,) provided they should not sell below par, which would amount to about six millions and a half; and if that should be impracticable, then that he borrow, on those bonds, six and a half millions, at an interest not exceeding six per cent., payable at any time after two years. He made a few remarks to show the probability that these bonds could be sold at par. As to the question of the constitutionality of Treasury notes, he held that it depended on the fact whether any fund was provided in hand on which to found their payment; without this, he contended they were but mere paper money, and, as such, unconstitutional.

Mr. RIVES now modified his amendment, so as to insert the words "not bearing interest."

Mr. HOLSEY, of Georgia, opposed the amendment, and argued the danger, or at least the possibility, of such notes going below par, and dwelt on the mischievous consequences to the country and to the Government.

Mr. McKIM said he was in favor of Treasury notes bearing interest, though he considered the security of the United States better than any other in the world. He had seen them, at one period of the late war, at a discount of 11 per cent.; but he did not believe that such would be the case now. He preferred notes to a loan, as it would be but for a year, and nobody would want to invest their money in stock which had so short a time to run. He thought it not right to offer to pay the public creditors in paper not bearing interest, nor did he desire the Government to encounter the odium of issuing paper money.

Mr. PHILLIPS reminded the committee that they were to look at all these several bills as but different parts of one connected system, and that the entire system was, in like manner, connected with and involved in each bill.

The question was not put on Mr. RIVES's amendment, to add the words "not bearing interest," and negatived: Ayes 56, noes 91.

The question was then taken on the amendment of Mr. UNDERWOOD, which he now offered in the following words:

That the Secretary of the Treasury be authorized to sell and transfer to the purchaser or purchasers the bonds or evidences of debt executed by the president, directors, and company of the Bank of the United States of Pennsylvania, for and in consideration of the stock held by the United States in the late Bank of the United States, and to apply the money arising from such sale and transfer, in payment of any demands upon the Treasury: *Provided, however*, That no sale and transfer of said bonds or evidences of debt shall be made for a less sum than the nominal amount of said bonds or evidences of debt, exclusive of interest.

Sec. 2. *And be it further enacted*, That if it be impracticable to sell said bonds, or evidences of debt, in the manner provided in the first section of this act, it shall be lawful for the Secretary of the Treasury, and he is hereby authorized, to borrow six million five hundred thousand dollars, on the credit of the United States, at an interest not exceeding the rate of six per cent. per annum, and to

apply the money so borrowed in payment of any demands upon the Treasury; and all money borrowed under the provisions of this section shall and may be repaid at the pleasure of the Government of the United States at any time after the lapse of two years from the time it shall have been borrowed.

When it was negatived: Ayes 80, noes 91.

Mr. DUNN, of Indiana, offered now the amendment he had before proposed, as follows:

"Including all balances owing by the late deposite banks, and all sums owing on duty bonds, whether such balances on bonds or Treasury notes shall, at the time of any such offer to pay, be due or not."

Mr. CAMBRELENG opposed this amendment. The Government might as well allow a merchant now to anticipate his bonds, by buying up depreciated paper and taking them up before they fell due. Let the notes be received when the debt fell due, and not before. The other arrangement might embarrass the Treasury.

Mr. ROBERTSON, of Virginia, suggested that if this amendment should be adopted, the United States Bank of Pennsylvania might pay the whole amount of their bonds to Government in that way.

Mr. FILLMORE supported the amendment, contending that it was the right of the creditor to set off Treasury notes, if he could get them, against his debt to the Government. This would hold out a strong inducement to all creditors of Government to take these notes, and they would thus be sooner brought into circulation.

Mr. DUNN insisted that the terms of his amendment excluded the United States Bank from availing itself of it, as suggested by Mr. ROBERTSON. The effect of his amendment would be to prevent the depreciation of these notes.

Mr. CAMBRELENG said the merchants would be left just as they were now; they could buy these notes and hold them till the time their debts to Government fell due. It would leave both the banks and the merchants precisely where they were now.

Mr. CHAMBERS, of Kentucky, went into a speech of some length, in which he animadverted, with severity, on the financial measures proposed by the administration, and insisted that it was very manifest that the object was to place the banks at the mercy of the Secretary of the Treasury, and eventually to crush them. He did not wish the bill to leave the hands of the committee till some security was provided against such a result.

He therefore moved to lay this bill and amendment aside for the present, and take up the bill to provide for the final settlement of accounts with the late deposite banks.

A question of order was raised by Mr. CAMBRELENG, but the motion, after some discussion, was decided to be in order.

The motion, however, was negatived: Ayes 78, noes 96.

The question was then put on Mr. DUNN's amendment, and decided in the negative without a count.

The question then recurring on the amendment of Mr. CAMBRELENG, (in fact upon the whole bill,)

Mr. WISE said he wished to take a "woodpecker's tap" on this "hollow beech tree;" he accordingly moved the following amendments to the bill:

That the President of the United States is hereby authorized to cause Treasury notes for such sum or sums as [he may think expedient] the exigencies of the Government may require, but not exceeding, in the whole amount of notes issued, the sum of ten millions of dollars, and of denominations not less than one hundred dollars for any one note, to be prepared, signed, and issued, in the manner hereinafter provided.

Sec 2. *And be it further enacted*, That the said Treasury notes, authorized to be issued by the first section of this act, shall be reimbursed and redeemed by the United States, at the Treasury thereof, after the expiration of one year from the dates of the said notes respectively; [from which said dates, for the term of one year, and no longer, they shall bear such interest as shall be expressed upon the face of the said notes; which rate of interest, upon each several issue of the said notes, shall be fixed by the Secretary of the Treasury, by and with the advice and approbation of the President; but shall in no case exceed the rate of interest of six per centum per annum.] The reimbursement herein provided for shall be made at the Treasury of the United States to the holders of the said notes respectively, upon presentment, [and shall include the principal of each note, and the interest which may be due thereon at the time of payment.] For this reimbursement, at the time and times herein specified, the faith of the United States is hereby solemnly pledged.

Sec. 3. *And be it further enacted*, That the said Treasury notes shall be prepared under the direction of the Secretary of the Treasury, and shall be signed on behalf of the United States by the Treasurer thereof, and countersigned by the Register of the Treasury; and that those officers respectively shall, as checks upon each other, and to secure the public safety, keep separate, full, and accurate accounts of the number, date, denomination, and amount of all the notes signed and countersigned by them respectively; which said accounts shall be carefully preserved and placed on file in the Treasury Department; and, also, similar accounts, kept and preserved in the same manner, of all the said notes redeemed, as the same shall be returned and cancelled; and the Treasurer shall further account quarterly for all such notes delivered to him for signature or issue by the Register. The Treasurer and Register of the Treasury are hereby authorized, by and with the consent and approbation of the Secretary of the Treasury, to employ such additional temporary clerks as the duties enjoined upon them by this section may render necessary: the compensation of each clerk so employed to be fixed by the Secretary.

Sec. 4. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized, with the approbation of the President of the United States, to cause to be issued such portion of the said Treasury notes as the President may think expedient, in payment of debts due by the United States, to such public creditors or other persons as may choose to receive such notes in payment, as aforesaid, [at par,] on the face. [And the Secretary of the Treasury is further authorized, with the approbation of the President of the United States, to borrow, from time to time, not under par, such sums as the President may think expedient, on the credit of such notes.] *Provided, That it shall not be lawful for the Secretary of the Treasury, or any disbursing officer of the Government, to pay out or circulate any Treasury note or notes, so long as there remains in the hands of such disbursing officer, or the Treasurer of the United States, any specie or other available funds: And provided further, That the whole amount, or so much of the five millions of dollars as by law is to remain in the Treasury for contingencies, shall be kept on hand in Treasury notes, until the exigencies of the Government shall render their use or circulation necessary.*

Sec. 5. *And be it further enacted*, That the said Treasury notes shall be transferable, by delivery and assignment endorsed thereon, by the person to whom the same shall, on the face thereof, have been made payable.

Sec. 6 *And be it further enacted*, That the said Treasury notes shall be received in payment of all duties and taxes laid by the authority of the United States; of all the public lands sold by the said authority, and of all debts due to the United States, of any character whatsoever. And on every such payment credit shall be given for the amount [of the principal and interest, which, on the day of such

payment, may be] due on the note or notes thus given in payment.

Sec. 7. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be reimbursed and paid [the principal and interest of] the Treasury notes which may be issued by virtue of this act, at the several time and times when the same, according to the provisions of this act, should be thus reimbursed and paid. [And the said Secretary is further authorized to make purchases of the said notes at par, for the amount of the principal and interest due at the time of purchase on such notes. And so much of any unappropriated moneys in the Treasury as may be necessary for that purpose, is hereby appropriated for paying the principal and interest of said notes.]

Sec. 8. *And be it further enacted*, That a sum not exceeding twenty thousand dollars, to be paid out of any unappropriated money in the Treasury, be, and the same is hereby, appropriated, for defraying the expense of preparing, printing, engraving, signing, and otherwise incident to the issuing of the Treasury notes authorized by this act.

Mr. WISE remarked with severity upon the bill, as being but the commencement of the system of a Treasury bank. The system was to be presented not at once, but piecemeal. The first, and the largest stride was to familiarize the minds of the people with Treasury issues. The plea urged for this was the necessities of the Government; but an honorable gentleman from South Carolina had come out boldly the other day, and avowed his opinion that the Government ought to have a permanent paper circulation. Mr. W. entered his protest against a new public debt, and a Treasury bank. He compared the conduct of the administration to that of the famous Fanny Wright, who, after denouncing matrimony in the most unmeasured terms, was next heard of as Mad. Darusmont. So this Government was for a divorce from all banks; but the next thing heard of would be its marriage to the worst bank on the face of God's earth—a Treasury bank.

Mr. W. concluded a short, but animated speech, by moving that the committee rise.

The motion was negatived: Ayes 82, noes 89.

The question was then put on his amendment, and it was rejected.

Mr. CAMBRELENG, with a view to prevent the Bank of the United States from availing itself of Treasury notes to purchase its bonds to the United States, (which it would, if possible, certainly do, as it would be a profitable operation,) modified his amendment by adding, after the word banks "due when said Treasury notes shall be offered in payment."

Mr. DUNN moved as an additional section to the bill, a provision that the power of the Secretary of the Treasury to issue Treasury notes do cease on the 1st Monday of May, 1838; but it was rejected without a count.

Mr. FILLMORE wished to amend the bill by striking out the clause which provides a penalty for having in a man's possession paper similar to that used for the Treasury notes, with intent to counterfeit; but his motion was negatived after a short discussion.

Mr. DUNN offered to amend the bill by adding the following proviso:

*Provided, however*, That the late deposite banks, and persons indebted for duties on extended bonds, may pay the same at any time in Treasury notes, whether said debts, or such Treasury notes, are due or not at the time of such offer to pay.

Mr. W. C. JOHNSON moved to insert a provision that the power to issue Treasury notes cease on the second Monday of June, 1839, and seconded the motion by a short speech urging the importance of testing the question whether the measure proposed in this bill was temporary and remedial only, or was to be a fixed and permanent system.

Mr. DUNCAN complained of the many occasions on which the friends of the administration were compelled to sit and listen to the taunts of the opposition, who were continually charging them with being under Executive influence, and so forth. He would admit that they acted together, and what of that? The friends of the Government had come here for the very purpose of acting together, to relieve the country from its present distress. But the opposition were continually raising the panic note, and yet did nothing towards relief. They not only refuse to act themselves, but they endeavor to embarrass and prevent others from so doing. Was it not but the other day, that one who claims to be a leader of the other side, [Mr. Wise,] told them "that he would offer nothing, and he hoped that none of the opposition would offer any proposition for relief?" Mr. D. then referred to the various measures now proposed, and contended that they were all calculated to afford relief to the banks and country at large. He referred to the short period remaining of the session, and earnestly entreated the opposition, that if they would not act themselves, at least to permit others to act for the benefit of the people.

Mr. W. C. JOHNSON rejoined with animation; when the question was taken and his amendment rejected.

Mr. GRENNELL moved to amend the penal section of the bill, by supplying a manifest omission of the case of a man's having in his possession counterfeit Treasury notes, with the intent to pass them; but (owing, as was believed, to a misapprehension of the vote) it was declared to be negatived.

The amendment of Mr. Cambreleng, as amended, was then agreed to, and the committee rose, and reported the bill to the House; whereupon

The House adjourned.

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Thursday, October 5.

## NATIONAL BANK.

After transacting some other business, the House passed to the unfinished business of yesterday, which was the consideration of the resolution reported from the Committee of Ways and Means, declaring it to be inexpedient to charter a national bank; and the question being on Mr. Sergeant's motion to refer the resolution to the Committee of the Whole on the state of the Union,

Mr. BYNUM, who was entitled to the floor, said he had not risen on yesterday, so much with the intention of making a speech, as to express his hearty concurrence in the sentiments expressed by the honorable gentleman from Georgia, [Mr. Glascock,] and the honorable gentleman from New York, [Mr. Clark,] and he exceedingly regretted that it became the duty of the Chair to interpose and arrest the remarks of those honorable gentlemen, knowing that they would have been able to place the subject in a clearer point of view than it was in his power to do. He also rose to express his astonishment at the extraordinary course pursued by the gentleman from Pennsylvania, [Mr. Sergeant,] in moving to commit the resolution to a Committee of the Whole on the state of the Union, after having been indulged by the House for three or four days in succession, in lecturing the House and administration, and eulogizing—almost delivering a funeral sermon over the corse of the dead monster—the bank. After all this, it appeared to him strange that the gentleman should conceive it to be his duty, to the prejudice of those who feel it to be their duty to oppose a recharter of the United States Bank, to move to commit the resolution to the Committee of the Whole, thereby depriving them of the opportunity of defending themselves, or replying to the arguments adduced by the gentleman, because it is well

known that the rules prevent a member in Committee of the Whole from replying to arguments made in the House. He hoped the House would not adopt the motion made by the gentleman from Pennsylvania, for this reason: that these gentlemen had raised the hue-and-cry about the distresses under which the country was laboring; when, in his opinion, if there was any distress in this country, it had sprung from the action of that profligate and monstrous institution, the Bank of the United States. He belived it was the Pandora's box which had been the cause of all the complaints, all the evils, and all the distresses, of which we have heard so much on this floor. He hoped the question might be taken at the present session of Congress, so that the country might be put at rest in relation to it. Let gentlemen come up to the question, and toe the mark. Let the question be decided in the House, and not sent to the Committee of the Whole, where no vote can be taken on it, and where discussion will only add to the distresses which already exist. In his humble opinion, there could be nothing which would afford more solid and substantial relief than a decision of this House, that will show to those who make complaints of distress, and ring the changes on the word panic, that their favorite project is hopeless; that a United States Bank cannot be chartered by the Congress of the United States; and that it was in vain for them to be indulging themselves with the hope that it can. The sooner this was done the better it will be for the people of the country. In his opinion, if we intend to act in good faith to the people, and do any thing for the relief of the people of the country, and the distresses of that people, the very first thing we should do would be to determine whether the establishment of a United States Bank was to be expected by any party in the country; to settle and fix the question finally, so that the people of the country and the capitalists of the country might know what to do. He had no doubt that there was a great deal of capital now held up which would be invested in other business, if this question was determined; and why not determine it at once, and put it at rest? Gentlemen, in support of their motion to refer this resolution to the Committee of the Whole, say they want a discussion of the subject. Why, do they not know that it has been discussed from year to year for the last six years, throughout the whole country, and in both branches of Congress? Do they not know that it has been discussed in both branches of Congress at the present session, on almost every subject which has been brought forward? Have we not heard the ditties which have been sung in this House by the gentlemen from Pennsylvania, in eulogy of their favorite institution? And do gentlemen not know that this subject has been discussed until a large majority of the people of the country turn away from it with loathing and disgust? It has been decided at the ballot box that a majority of the people of the country were opposed to the establishment of a national bank; and he wished to be permitted to tell gentlemen that they mistook the intelligence, virtue, and patriotism of the people of the country, if they expect, by this protracted discussion of the question, to drive them from their opposition to a bank of the United States. It was in vain for them to expect to rivet the chains which had sprung from that institution, on the necks of the people; and the sooner the matter was decided, the better for the country, as it will put at rest all agitation and turmoil. The President of the United States has been accused of taking an extraordinary course, and of endeavoring to forestall public opinion, by the very consistent gentlemen of the opposition. He has been denounced and declaimed against by those who deal in declamation, for the extraordinary and high-handed course he has pursued; and it will be recollected by every gentleman here, that those who now denounce him for throwing out his opinions in advance, denounced him two years ago because of his non-committalism. These gentlemen then said that he was non-committal on every thing—that he would never toe the mark—that he would never go in advance of public opinion, but always followed after it. Now, however, they say the President has introduced both reckless and extraordinary measures, and they denounce him for endeavoring to forestall public opinion. All these arguments and denunciations should be fairly met, and he would ask the gentleman from Pennsylvania, whether the friends of the administration would have the opportunity of answering him in Committee of the Whole? because the gentleman well knows it is against the rule to reply to arguments made in the House. He wished to see a direct and early vote upon this subject. The people of the country require it. They want to know what prospects there are for the recharter of a national bank, so that they may know what to expect. He did not believe that there was any gentleman in this House, who was inimical to the establishment of a national bank, who desired to avoid the question by referring it to the Committee of the Whole. Every individual who was at heart hostile to a recharter of the bank, must be disposed to keep the subject in the House, and not permit it to go to the Committee of the Whole, where it may be discussed to the end of the session without coming to any conclusion thereon. Gentlemen have talked a great deal about skulking and dodging questions; but, he would ask, who ever saw such dodging as there had been on this question? Gentlemen desired not only to dodge the question, but to dodge behind the rules of the House to save themselves from having their arguments answered, and their denunciations exposed.

It was easy to make assertions, but it was not so easy to prove them; therefore, gentlemen endeavor to shield themselves by having the subject referred to the Committee of the Whole. Let the American people see what party support a national bank; let them see their strength, and what prospect there is for them to succeed, and they will be satisfied. The farming and mechanical interests are now satisfied. Who, then, are making all these complaints? It is the bankites, the rag-barons, and the stock-jobbers. These are the men who are endeavoring to render the Government unpopular with the people, and make them discontented with their country. The rapid strides which the bank is making for almost universal dominion in America, warn us of the necessity of letting the country and the world know its fate as soon as possible. We have heard but recently of this institution sending an agent to Europe, perhaps to interfere with our commerce. Every day admonishes us of the danger of the bank; and shall we longer sit by and encourage agitation, and add to its power of doing injury to the country? He hoped that the democracy of this House would give it as their opinion to the democracy of the country, and to the agricultural, mechanical, and laboring interests of the country, that it was inexpedient to establish an institution which had declared war upon the country, and stood out against the sovereignty of the people themselves. Let them know this, let the world know it, and we will hear but little of this distress which has been so long sounded in our ears. If, however, this subject is kept in agitation before this House and the country, the cry of distress, and panic, and confusion, will be kept up, the President will be denounced, and a bank of the United States will be held up as the only panacea for the country. Gentlemen could not suppose we are ignorant of the game they are playing. They tell us the time has not arrived for introducing the subject of a national bank. But what do they mean by this? They mean that they do not want it condemned; they do not want the true voice of the people spoken on this subject, because they know it would be against them.

He hoped that no one who was opposed to the recharter of this institution would hesitate in voting to reject the

proposition submitted by the gentleman from Pennsylvania, to refer this resolution to the Committee of the Whole on the state of the Union.

Mr. CUSHMAN said that, believing every gentleman to have made up his mind on the question in relation to the expediency of chartering a national bank, and that the state of the public business would not permit of its further discussion, he moved the previous question.

Mr. HAYNES moved a call of the House, which was ordered; and the roll having been called over, and 195 members answering to their names,

Mr. MORGAN moved to dispense with all further proceedings under the call; which was agreed to.

The previous question was then seconded—ayes 83, noes 80.

Mr. REED called for the yeas and nays on ordering the main question; which were ordered, and were: Yeas 101, nays 101, as follows:

Yeas—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Bouldin, Bruyn, Buchanan, Bynum, Cambreleng, T. J. Carter, Chapman, Claiborne, Clark, Cleveland, Coles, Connor, Craig, Crary, Cushman, Davee, Dromgoole, Duncan, Edwards, Elmore, Fairfield, I. Fletcher, Fry, Gallup, Gholson, Glascock, Gray, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Hubley, W. H. Hunter, Ingham, T. B. Jackson, Jabez Jackson, Joseph Johnson, N. Jones, J. W. Jones, Kilgore, Klingensmith, Leadbetter, Logan, Arphaxed Loomis, J. M. Mason, McKay, A. McClellan, McClure, McKim Miller, Montgomery, Moore, Morgan, S. W. Morris, Noble, Owens, Palmer, Parmenter, Paynter, Pennybacker, Petrikin, Phelps, Pickens, Plumer, Potter, Pratt, Prentiss, Reily, Rhett, Rives, Sheffer, Shields, Sheplor, Smith, Spencer, Stewart, Taylor, Thomas, Titus, Toucey, Turney, Vanderveer, Wagener, Webster, Thomas T. Whittlesey, J. W. Williams, Worthington, Yell—101.

Nays—Messrs. Adams, H. Allen, John W. Allen, Aycrigg, Bell, Biddle, Borden, Wm. B. Calhoun, John Calhoon, Wm. B. Campbell, Casey, Chambers, Cheatham, Childs, Clowney, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Everett, Ewing, R. Fletcher, Rice Garland, Goode, J. Graham, Wm. Graham, Grennell, Hall, Halsted, Harlan, Harper, Henry, Herod, Robert M. T. Hunter, Jenifer, Henry Johnson, William Cost Johnson, Lawler, Lewis, Lincoln, Andrew W. Loomis, Lyon, Mallory, Marvin, Samson Mason, Martin, Maury, May, Maxwell, McKennan, Menefee, Mercer, Milligan, M. Morris, Calvary Morris, Naylor, Noyes, Ogle, Patterson, Patton, Pearce, Peck, Phillips, Pope, Potts, Rariden, Reed, Rencher, Ridgway, Robertson, Rumsey, Russell, Sawyer, Sergeant, Augustine H. Shepperd, Charles Shepard, Slade, Snyder, Southgate, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, A. S. White, John White, Elisha Whittlesey, Lewis Williams, S. Williams, J. L. Williams, C. H. Williams, Wise, Yorke—101.

The CHAIR voted in the affirmative, so that the main question was ordered to be now put.

Mr. CLARK inquired if it would now be in order to move to lay the subject over until to-morrow.

The CHAIR replied that it would not be in order, the main question being ordered to be now put.

The main question was then reported as follows:

*Resolved*, That it is inexpedient to charter a national bank.

Mr. WISE called for the yeas and nays on the main question, which were ordered, and were: Yeas 123, nays 91, as follows:

Yeas—Messrs. Anderson, Andrews, Atherton, Beatty, Bierne, Bicknell, Birdsall, Bouldin, Brodhead, Bruyn, Buchanan, Bynum, Cambreleng, T. J. Carter, Casey, Chapman, Cilley, Claiborne, Clark, Cleveland, Clowney, Coles, Connor, Craig, Crary, Cushman, Dawson, Davee, Dromgoole, Duncan, Edwards, Elmore, Fairfield, Isaac Fletcher, Fry, Gallup, Gholson, Glascock, Grantland, Gray, Griffin, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Hubley, William H. Hunter, R. M. T. Hunter, Ingham, T. B. Jackson, J. Jackson, Joseph Johnson, N. Jones, J. W. Jones, Kilgore, Klingensmith, Legare, Leadbetter, Lewis, Logan, Arphaxed Loomis, Lyon, Mallory, J. M. Mason, Martin, McKay, A. McClellan, McClure, McKim, Miller, Montgomery, Moore, Morgan, M. Morris, S. W. Morris, Muhlenberg, Noble, Ogle, Owens, Palmer, Parmenter, Patton, Paynter, Pennybacker, Petrikin, Phelps, Pickens, Plumer, Potter, Pratt, Prentiss, Reily, Rhett, Rives, Robertson, Sheffer, Shields, Sheplor, Smith, Snyder, Spencer, Stewart, Taliaferro, Taylor, Thomas, Thompson, Titus, Toucey, Towns, Turney, Vanderveer, Wagener, Webster, T. T. Whittlesey, Jared W. Williams, Worthington, Yell—123.

Nays—Messrs. Adams, Heman Allen, John W. Allen, Aycrigg, Bell, Biddle, Bond, Borden, William B. Calhoun, J. Calhoon, William B. Campbell, Chambers, Cheatham, Childs, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Davies, Deberry, Dennis, Dunn, Everett, Ewing, Richard Fletcher, Fillmore, Rice Garland, Goode, James Graham, William Graham, Graves, Grennell, Hall, Halsted, Harlan, Harper, Hawes, Henry, Herod, Jenifer, Henry Johnson, William Cost Johnson, Lawler, Lincoln, Andrew W. Loomis, Marvin, Samson Mason, Maury, May, Maxwell, McKennan, Menefee, Mercer, Milligan, Calvary Morris, Naylor, Patterson, Pearce, Peck, Phillips, Pope, Potts, Rariden, Randolph, Reed, Rencher, Ridgway, Rumsey, Russell, Sergeant, Augustine H. Shepperd, Charles Shepard, Sibley, Slade, Southgate, Stanly, Stratton, Tillinghast, Toland, Underwood, A. S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, Christopher H. Williams, Wise, Yorke—91.

So the House resolved that it is inexpedient to charter a national bank.*

The House then proceeded to the orders of the day.

## SUB-TREASURY BILL.

The bill from the Senate, entitled "An act imposing additional duties in certain cases on public officers," was taken up on its reference.

Mr. CAMBRELENG remarked that, as this bill corresponded in almost all its provisions with the House bill under the same title, reported by the Committee of Ways and Means, and referred to the Committee of the Whole on the state of the Union, in order, therefore, that there might be no delay upon the action of this bill, and as there was only one slight difference between them, he had been instructed, he said, by the Committee of Ways and Means to move that this bill be at once committed to the same Committee of the Whole as the other.

The motion was assented to, *nem. dis.*

## TREASURY NOTE BILL.

The House then proceeded to the consideration of the "bill to authorize the issuing of Treasury notes."

The bill had been amended entirely in Committee of the

* The following note appeared in the papers of the day:

The undersigned, having been casually absent when the question was taken this morning on the resolution "that it is inexpedient to charter a national bank," would, if they had been present, have voted in the affirmative.

| | |
|---|---|
| Robert McClellan, | John Chaney, |
| Henry Vail, | Henry A. Foster, |
| Amasa J. Parker, | R. Boon, |
| John I. DeGraff, | A. P. Grant, |
| Joseph Weeks, | Isaac H. Bronson. |
| James Farrington, | |

*October* 5, 1837.

Whole, and a substitute submitted by Mr. CAMBRELENG adopted.

Mr. RHETT moved to amend the first section by inserting in the second line, after the word "notes," the following: "or bills receivable in payment of the public dues;" and supported his amendment at some length, and went somewhat into the subject generally.

Mr. FLETCHER, of Massachusets, said it was his intention not to take any part in the present debate, but looking at the character of the bill before them, and considering the circumstances in which they were placed with regard to it, he was not able to content himself with giving a silent vote upon the measure.

I consider it due to my constituents and due to myself, (said he,) briefly to state the reasons which will influence my conduct upon the present occasion.

The real object of the bill is, to borrow ten millions of dollars upon the credit of the Government; and, if it passes, its real effect will be, to impose a debt upon the country to that amount. To justify me in voting for such a bill, two things must be clearly established: 1st. that the wants of Government are so pressing as to render it necessary to impose on the people a debt of ten millions of dollars; 2d. that the method in which it is proposed to accomplish this object is a proper and suitable method.

I presume no one will call in question the correctness of my first position, or deny that the necessity of running the nation in debt must be clearly proved before any such step can be properly taken. The people will not look with favorable eyes upon the recommencement of a national debt; they will not consider it a light matter; such a measure can only be justified by necessity. If the Government has any pre-existing means to meet its wants, those means must be resorted to in the first place; and till those means are exhausted there can be no occasion for imposing a debt upon the people, nor propriety in doing so. Upon this point, how stands the fact? In the statement read to us by the chairman of the Committee of Ways and Means, exhibiting the resources out of which, in the course of the ensuing year, the proposed Treasury notes are to be paid and redeemed, he includes six millions due to the Government from the Bank of the United States; that is, there is due from the bank six millions of dollars, payable in three successive years, with interest, at six per cent., the whole of which it is intended to convert into cash, in the course of the ensuing year, to provide the means wherewith to redeem and take up the proposed Treasury notes. With these bonds of the bank in the vaults of the Treasury, for six millions of dollars, it is proposed to issue Treasury notes, pledging the credit of the country, and to meet and redeem those notes these very bonds are to be sold and disposed of. Pray, sir, where is the necessity, the advantage, or the propriety of this double operation? Undoubtedly the money which is wanted may as well be raised by the sale of the bonds now, as by the issue of Treasury notes. It is proposed that the notes shall bear interest—though the amount is not fixed in the bill—and shall be payable in one year. The bonds are upon interest at six per cent., and have a longer time to run than the proposed notes. The bonds will serve much better than the notes for foreign remittance, and undoubtedly would command a premium in the market. The notes are payable too soon, and, in other respects, not well fitted for foreign remittance.

Now, sir, I should be glad to hear some satisfactory reason why these bonds should not be sold at once, and the proceeds applied to the wants of the Government. Would not this be a better course, a more direct, a more judicious course, than to borrow money and impose a debt upon the country? Why accumulate these different funds in the hands of the Government? Why resort to such an involved and round-about plan of raising money? Why not go into the market with the bonds of the bank? Why substitute for them your own notes? To sell the bonds is a very simple and common operation, such as approves itself to every man's experience and understanding. If there are any reasons for the extraordinary course which it is proposed in preference to pursue, they have not yet been explained to my comprehension.

In addition to the bank bonds, there are some fifteen or sixteen millions of dollars belonging to the Government, still in the deposite banks. Upon this fund the Secretary has been in the practice for some time past of making drafts, which, though not paid by the banks, have been received for dues to the Government, and have gone into circulation, and have formed a part of the currency of the country. The drafts, as the Secretary of the Treasury informs us, have been found convenient to the Government and to the people. They have served to pay the debts of the Government to individaals, and of individuals to the Government. Why should not this process, a tried and successful process, be continued so far as may be necessary? Here is an actual existing fund, upon which we may draw, and upon which we may rely for ultimate payment. We are assured that these banks are amply solvent, and will pay, if not immediately, yet gradually, and in the end fully. This fund the Government can control and use; it has been and will continue to be under their management; and to issue these proposed Treasury notes is only accumulating fund upon fund in the hands of the Executive. This is in accordance neither with public policy nor approved practice. Nothing beyond the real wants of the Government can be properly supplied. If there be already means on hand to meet the wants of the Government, to accumulate new funds in their hands would be an outrage upon the rights of the people; it would be dangerous in principle, oppressive and unjust in practice.

Sir, I do not mean to make light or unfounded objections. Show me that the wants of the Government demand a loan, and I will go for a loan, heartily and sincerely; I should feel myself bound in duty and in conscience to go for it; but, until the necessity for it appears, I feel myself bound in duty, bound in justice to the people, to oppose it. Now, the necessity of imposing upon the country a debt of ten millions has not been made apparent to my mind; so far from it, the contrary clearly and distinctly appears. But, suppose the administration to have made out the necessity of involving the country in a debt of ten millions, still the mode in which they propose to effect that object is subject to strong objections.

The bill before us is indirect and deceptive; calculated to conceal the real nature and object of the measure which is proposed. It is entitled a bill to authorize the issue of Treasury notes. Why not call it a bill to authorize the employment of additional clerks? Or, a bill to punish forgery in certain cases? Both of which are just as much provided for in the bill as is the issue of Treasury notes; and either of which would just as well express the real object of the bill as the title which it bears.

The bill bears a false title; it carries upon its front a false name; it imports what it is not; or rather it does not import what in fact it is; it is deceptive. Wherever else designing artifice may prevail, let it not corrupt our legislation. Let us deal frankly and openly with the people. When we take their money, let us tell them so; let it be taken openly and avowedly, not covertly and indirectly. Take their money and tell them so; but do not pick their pockets!

When the people are to be subjected to a liability of ten millions, they should be informed of the fact clearly and distinctly; there should be no concealment in word or thought. The bill before us is, in truth, a bill to authorize a loan of ten millions. What we want is a loan; and we ought in fairness and truth to say so. To call the bill by a name that does not fairly import its character; thus

to treat it as something different from what it really is, does not comport with what ought to be the character of the Government.

We have already, sir, passed a bill entitled an act to postpone the fourth instalment of deposite with the States. I fear, sir, that bill raises expectations only to disappoint them. That payment, if it were really intended, might as well be made now as ever. I fear, sir, the States will expect it in vain. Postponement, in all probability, will turn out to mean repeal. The expectation of payment at a future time will prove, I apprehend, a delusive expectation. Sir, I protest against duplicity in any form, on the part of the Government. The relation which we sustain towards the people demands from us the strictest truth and sincerity. They have placed confidence in us; they have entrusted to us their rights and interests; and they have an undeniable claim to be informed fully and clearly, without disguise, as to every thing we do, and every thing we intend. The title and the form of this bill are calculated, in my opinion, to disguise from the people that we are borrowing money upon their credit; and, in that point of view, the bill is obnoxious to serious objections.

There is another objection, which must press with great weight upon those gentlemen who hold to a strict construction of the constitution, who hold that Congress has no powers except those expressly granted to it. Those gentlemen, who cannot find in the constitution any power to charter a national bank, where do they find the power to issue Treasury notes, or bills of credit; for Treasury notes, designed to circulate as currency, are neither more nor less than bills of credit? No such power is any where expressly granted.

The framers of the constitution had seen and felt the evils of Government paper money. The power to issue bills of credit was expressly withheld from the States; it was not expressly given to the General Government. How, then, does the General Government obtain it? It will be said that it is included under the power to borrow money. Let us see how that interpretation will answer.

No one will deny to the several States the power to borrow money—a power which they exercise every day without objection. But it is certain that the States cannot issue bills of credit. The power to borrow money, then, does not necessarily include the power to issue bills of credit; and, although the Government has undoubtedly the power to borrow money, that power to borrow does not, by any means, necessarily imply a power to issue bills of credit. I found this argument upon the views of those gentlemen who hold to a strict construction of the constitution, without intending to express any opinion of my own upon this constitutional point. The only exercise of this power by the General Government occurred during the late war with Great Britain. The Government, in the first place, endeavored to obtain a loan in the usual way. The attempt failed; the loan could not be obtained; and, as a matter of necessity, the Government resorted to a forced loan, by the issue of Treasury notes. An example at such a time, and under such circumstances, is rather to be avoided than to be followed.

There is still a further objection to this measure. The bill provides that the notes to be issued shall bear such interest as the Secretary of the Treasury shall determine. This omission to fix the amount of interest leaves the character of the notes wholly indeterminate and uncertain. The interest which they may bear will determine the character and office of the notes. They may be of a character to be taken up as an investment by capitalists; they may be of a character to circulate as currency; and which of these characters they will assume, depends upon the interest they may bear. Before I can vote for the bill, this point must be determined. Before I can vote for the notes, I must know what the notes are to be. I cannot agree to the passage of any bill the nature of which is not fixed and established by the bill itself. It would be to act blindly and inconsiderately, to vote for a measure in ignorance of what that measure is to be. Should the bill pass in the present form, and should I be inquired of what its effect upon the community was anticipated to be, I could give no answer. I could express no opinion on that point, because, in the present shape of this bill, it is impossible to form any opinion what character the notes will assume. I could only say, what I should be ashamed to say, that the Executive had been authorized to issue notes to suit the purposes of the Government, without any regard having been paid to the concern which the community at large might have in this matter. If we are to act with the slightest regard to the interest and convenience of the public, we should fix the interest which the notes are to bear. Why refer this to the Executive? Is not the House competent to form and exercise a judgment on this question? Is not the House as fit as the Executive to determine what rate of interest, what character to the notes, will best subserve the public interest? If it be best for the Executive to legislate upon this point, why not upon all others? Though the Executive, in fact, exercised such a power, it would hardly be necessary to make a public proclamation of it.

The earnestness with which the friends of the administration press this measure of issuing Treasury notes, in preference to the usual mode of supplying the wants of the Treasury by a simple loan, is well calculated to excite suspicions. I have no desire to throw any undeserved odium upon the administration. I wish them to merit, and, by meriting, to possess the confidence of the entire community. But this measure is little calculated to produce that effect. It is an unusual measure; it will be attended with extraordinary expense; it will add to the number of those in the employ of Government; it will increase Executive patronage; it opens a new door to Executive favoritism. In raising money upon these notes, the Executive may give a preference, and may consult the interests of favored individuals; whereas a loan would be open equally to all.

Besides, sir, there are those who see in this measure the commencement of a permanent and a most perilous system. It is more than surmised that the Government would be willing to have the whole currency of the country flow exclusively from itself; and is desirous to furnish not only the gold and silver coin, but the whole paper currency also, from its own exclusive mint; and that the measure now proposed is the first step in the march towards that object. The taking measures to render safe and convenient such currency as the people may elect to use, is the business and all the business of the Government in relation to this subject. It should be kept strictly within the limits of that duty, and should faithfully perform what belongs to it within those limits. They ought to follow public sentiment in this matter, not attempt to lead it.

But strange and dangerous doctrines have been put forth in relation to the currency of the country; and there is cause enough for alarm to render it the part of prudence to watch with care every measure bearing upon this subject. The issue of paper money is at all times a dangerous business for a Government to engage in, and a business peculiarly dangerous at the present crisis. Our time is now too short, our action too hurried, to justify us in adventuring upon a scheme of a novel character. At such a time, and under present circumstances, the only safe way is the old way—the common way. If the Government must have money, let it borrow the money in the usual mode. So doing, we shall know what we do. To the adoption of this course, I have heard no substantial objection, I can see no substantial objection; and, until I can obtain some new light, it is the only course to which I can give my assent.

A great change has come over our national affairs. At

the commencement of this present year, there was in the hands of the Government a surplus of nearly twelve millions of dollars, exclusive of the whole amount to be deposited with the States. The fourth instalment of the deposite money (between nine and ten millions) has been withheld from the States; there is due to the Government from the late United States Bank six millions, exclusive of interest; and now ten additional millions are demanded, to meet the expenses of the current year; and this, too, besides all the ordinary revenues of the country—a country, whose whole annual expenses during the administration next preceding that of General Jackson were hardly twelve millions of dollars!

Under circumstances like these, does it not behoove the people to look to their public affairs?—to look to them at once?—to look to them now?—to look to them coolly and dispassionately, with minds free from the influence of party spirit, and with a sincere and honest desire to preserve in its purity and excellence our free constitution, and to promote the prosperity and happiness of the people as well as of the Government?

Mr. CUSHING said it would be idle for him to think of adding any thing to the force and clearness of the observations of his colleague, [Mr. FLETCHER;] but one of the remarks made by that gentleman had recalled to his recollection a curious fact, bearing upon the question at issue, which he begged leave to state to the House.

It would be remembered, that one of the main arguments of those gentlemen who deny the constitutionality of a national bank, is the consideration that the power to establish such a bank is not *expressly* given to Congress in the constitution; that it is what is called a constructive power; and that a proposition was made in the convention which framed the constitution to confer on Congress power to create corporations, and rejected.

Now (said Mr. C.) the analogy between this question of a national bank, and that of bills of credit, is perfect in all its parts. There is no express power in the constitution for Congress to issue bills of credit. It is a constructive power, just as much as the power to establish a national bank; and Mr. Pinckney, of South Carolina, proposed, as may be seen by the printed journal of the convention, that, in the enumeration of the powers of Congress, one clause should read thus: "To borrow money and emit bills of credit." This latter branch of the proposition the convention rejected: the actual provision as to loans being in these words: "To borrow money on the credit of the United States."

Mr. C. said that, without himself admitting the conclusiveness of the arguments adverse to the constitutionality of a national bank, he did not see how those who did entertain that view of the constitution could consistently support a law for the emission of bills of credit.

Mr. PARMENTER addressed the Chair as follows:

Mr. Speaker: I have listened with great interest to the observations of my honorable colleague who has just taken his seat, [Mr. FLETCHER,] as I always have elsewhere, when I have had an opportunity, from my great respect for his high moral worth and distinguished talents; but, entertaining somewhat different views from those presented by him and other gentlemen on the same side of the question, I will, with your leave, state the grounds upon which I dissent.

My colleague assumes two conditions which he considers as indispensable prerequisites to the propriety of supporting the bill under consideration, which are: first, that the Treasury is in need of the money; second, that the proposed mode is the best one for raising the money. On the importance of establishing these points, I agree with him, and shall endeavor to show why I consider the present bill necessary, and the best calculated for the convenience both of the Government and the people.

It has been remarked by several gentlemen during the debate, but not by my colleague, that they did not clearly comprehend the report of the Secretary of the Treasury, and they have avowed their inability to come to any definite conclusion as to the real state of the Treasury. This opinion was expressed and urged, immediately upon the report being laid upon our table, by members usually ardent in their political predilections and prejudices, quite as soon as it could be expected that so voluminous a document, embracing views of finance and public policy, as well as various statistics, could be examined.

Having long entertained the most favorable impressions of the superior talents of the Secretary of the Treasury, whose ability and assiduity in the duties of his high stations have been almost proverbial in the nation for many years, I read his report with great attention, and discovered, as I thought, a plain, lucid, and perspicuous view of the finances of the country. I put down, therefore, in my own mind the attacks upon him as the effusions of political opposition, without any more meaning than the general dissatisfaction of those who disagree with the present administration. I am the more confirmed in this impression, because, since the first few days of this session, after an opportunity of full examination, all this hostility to the report of the Secretary has ceased, and it appears to me to be generally considered a correct, able, and interesting exposition of the finances and financial concerns of the country. I find by this report that there will be, in all probability, at the end of the year 1837, if there should be no deductions from the outstanding appropriations, a deficit of about twenty-two millions of dollars; but if, as the Secretary of the Treasury supposes, fifteen millions of dollars of unexpended appropriations may pass over to the year 1838, then there would be an absolute deficit of seven millions of dollars, to meet which, and for contingencies, and for the purpose of having a balance in the Treasury on the first of January, 1838, this bill proposes an authority to the Treasury Department to issue ten millions of dollars of Treasury notes. This amount would have been nineteen or twenty millions of dollars, if the payment of the fourth instalment of the surplus revenue had not been postponed to January 1st, 1839; and it will be seen by the conditions of the postponement bill, that the Treasury is entirely cut off from getting back any of the twenty-seven millions distributed among the States, which by the original law the Secretary would have had a right to call for.

Now, sir, my respected colleague would appropriate the nine and a half millions in deposite banks, and four and a half millions standing to the credit of disbursing officers in said banks, or as much as may be necessary to meet the wants of the Treasury. If this could be done there would, of course, be no need of issuing Treasury notes. But have we not a bill now before us, giving the deposite banks from four to nine months for the payment to the Government of the balances due? Is it not agreed, on all hands, that the security of the debt, the welfare of the people of the States interested, require an accommodation? Has not one of the Representatives of a State in which two of the deposite banks, having a large balance, are located, said on this floor that it would be impossible for the banks to pay within the time proposed by the bill now before us, and that he should ask for more time? Is there the slightest doubt in this House that the bill from the other branch, now before us, must pass, or, if amended, by showing greater indulgence? This resource will then fail. As to the amount of four and a half millions in the hands of disbursing officers, there must always remain from three to five millions of dollars in their hands. All experience has shown such amount to be necessary. These sums are drawn to pay contracts actually fulfilled, and always belong to the creditors of the Government, and are, of course, entirely useless for a supply to the Treasury. Unless the operations of Government totally

stop, it must be obvious that there always will be some few millions of dollars in the hands of the disbursing officers of the army, navy, Indian department, and other objects of expenditure, awaiting the call of creditors of the Government. He also thinks that it would be proper to sell the bonds of the United States Bank of Pennsylvania, which are held by the Treasury Department. It appears to me that there are to this proposition several objections. I am not certain that it would be exactly proper to put those bonds into market. It might, by possibility, have an injurious bearing upon the institution. If so, it ought not to be done, as an act of justice. It is not like an ordinary mercantile transaction. The directors of the bank undoubtedly had some object in view in fixing annual payments, and I hope the Government will never give a cause of complaint to this institution of the slightest character. Where will these bonds be sold? My own opinion is, that the bank would purchase its own bonds. It appears to me it would be unwilling to multiply and vary its obligations in the stock market. It has already post notes on the London Exchange; and, it appears to me, it would be unwilling to have these bonds there. If, then, these bonds should now go into the market, and the bank should think proper to purchase them, the debtors of the bank must necessarily be called upon, and thus distress the commercial and trading community to that amount. If sold in Europe, (London most proably,) it would, to the amount of six millions of dollars, afford facilities for again over-trading, instead of being employed to relieve our own country. I do not believe that at this time there is a very large unpaid amount of good debts from American to English merchants. The fall in exchange and specie shows that it is very much diminished, and, it appears to me, we ought to avoid any course which would tempt to excesses in our foreign importations in the slightest degree. But the objection of substituting the sale of these bonds for the Treasury notes is still greater in another view. It is an object to make this issue of Treasury notes incidentally beneficial to the community, by furnishing a means of remittance, and one of a very valuable character. The Treasury notes would flow from the disbursing points to the communities who may want them for remittances. The West and South would receive them in payment of debts, or for the sale of their cotton and other great products, as well as for lands held by individuals and companies. They would find their way back to the Atlantic cities, forming a highly valuable circulating medium perhaps until the time arrives, which cannot be very far distant, of a resumption by the local banks of specie payments.

It has been argued that it would be preferable to authorize a loan in the form of certificates of stock. This appears to be liable to as exceedingly strong objections as any which would apply to the sale of the bonds of the United States Bank. So far as it relates to the incidental benefit to the commercial community, it would be a slugglish operation. The stock would be all taken in the large cities, and the proceeds pass directly to the Treasury, where it would remain until called for by the Government creditors, and perform none of the offices of a means of remittance. But my colleague and other gentlemen say, you do not need Treasury notes, because you can continue to make Treasury drafts, and they will hereafter answer as they have heretofore. If these drafts were, in every particular, as beneficial as Treasury notes, they would be objectionable, inasmuch as they go to the world with the stamp of dishonor upon their face; they carry with them, as they pass from hand to hand, an indelible record of the discredit of the bank upon which they are made, and are therefore to be shunned and discarded as soon as possible, as offensive to the merchant who has a just sense of the importance of credit and punctuality. They are, moreover, inconvenient in amount, and unsuited to the habits and usages of the people.

My colleague objects to the bill, because no rate of interest is specified; and he cannot give it his vote until he knows precisely what the obligations of the Government are to be. It appears to me that this is one of the most valuable provisions of the bill, because the rate of interest can be so fixed all the way from a very low rate to the maximum of six per cent. that the Secretary of the Treasury will put it at the most advantageous rate for the Government and for the community. And it appears to me the rule would be a very plain one, to place the rate so that they would not be hoarded by the capitalists, or fall below par in the market, however small the demand for Government dues. And although, as has been strongly urged, there is very small probability that, under almost any circumstances, they would be below par, yet it is better, in my judgment, to leave the whole matter to the discretion of the Secretary of the Treasury, who will understand best what the wants of the case may require.

It is objected, that the issue of Treasury notes is unconstitutional; that they are bills of credit, and prohibited by the constitution of the United States; that they were never issued in but one instance, and that during the war with Great Britain, when it was difficult or almost impossible to obtain a loan. If it were unconstitutional to issue Treasury notes, the fact that we were at war, and it was difficult to obtain a loan in any other manner, would not have made it constitutional. I come to the conclusion myself, that Treasury notes were issued at that time for the same reason as now, because they are the most convenient to the Government and the people.

I have not entertained the opinion, Mr. Speaker, that the present embarrassments of this nation have arisen from what may be properly called general distress. I believe, and think I shall be sustained in the opinion by the sentiments of many men of business in the commercial cities, that the stoppage of specie payments was owing to the alarm excited in the community, which caused a rush upon the banks for the precious metals, and thereby materially lessened their means, and by the imprudence and extended speculation into which the debtors of these institutions plunged. Had it not been for these circumstances, the suspension would not have taken place; and, but for them, before this time specie payments would have been resumed. It is true that the consternation was universal; the panic was overwhelming; but that the evil was not deep-rooted, and that there was not, in reality, a scarcity of the precious metals in the commercial world, is shown by various facts. Contrary to the expectation of most persons in this country, the Bank of England continued, and still continues, specie payments, and money is abundant, and there is no want of coin and bullion for all purposes. The speculations and investments in lands, amounting to many millions of dollars; engagements in novel manufacturing concerns; building of railroads in all parts of the country; and establishments of every variety which ingenuity could invent—a few of them useful and profitable, but many, very many, most sorrowfully ruinous in their results—all tended to produce the mischief. The ordinary means of the banks were probably equal to their liabilities; but the inability of their debtors, in consequence of their imprudent and indiscreet course, crippled these institutions, and brought on the calamity of a suspension of specie payments—an evil which, while it continues, will blight every effort of enterprise and industry.

The amount of specie within the control of the banks of the country was equal to their wants, greater than it has been in many instances and at many times; but unsafe and improvident men obtained access to their resources; not that I mean to censure the managers of the moneyed institutions more than I would individuals, and copartnerships, and corporations, for everybody was infected with the mania of speculation; the whole atmosphere of the

business world was filled with it. It drove people to the pine forests of Maine; to the town sites on the Gulf of Mexico; to every stream and river through the whole republic; to the new cities of the West; and to the engagements in manufactures, mechanic arts, and discoveries of all kinds, in most instances lamentably unsuccessful.

My colleague objects that the bill is deceptive; that, under the guise of authorizing an issue of Treasury notes, it effects a loan. It undoubtedly is a use of the credit of the country, to obtain means of extinguishing some of its liabilities, and in that sense is a loan. But there is no deception about it. Notes payable are never issued in money transactions, excepting for the purpose of substituting credit for money, or promising it, and therefore always, directly or indirectly, operate as a negotiation for a loan. What difference does it make as to the matter of borrowing, whether the money be obtained by one person of a third, and paid to a second one, or the note be given directly to the second person? In both cases it is obtaining means on loan; in one instance directly, in the other indirectly. Banks borrow continually, by their bills or notes, money of the community. Now, sir, as Treasury notes can be issued for no other purpose than to procure money or means on the credit of the United States, the bill cannot be deceptive, because, as it can have no other object, every body understands it.

I am in favor of the bill as it now stands, without any of the proposed amendments, particularly those which propose the sale of the bonds of the United States Bank of Pennsylvania, and to the striking out the provision authorizing the Secretary to pay interest when, in his opinion, the good of the country may require it. It certainly appears to me that there can be no possible objection to that provision. It will guard against the possibility, although I admit it is not a strong probability, that they will be at any considerable discount, under ordinary circumstances. But we all know the nice calculations of dealers in money; and I should be exceedingly sorry to hear the cry, which has so frequently sounded in our ears, of depreciated currency applied to any of the issues of the Government.

I have confined myself strictly to the consideration of the bill now before the House, which appears to me to be so absolutely necessary, that it is almost a matter of surprise that so much time should have been employed in discussing it. It is called for by the Government to enable them to comply with the requisitions of the public, and it is required by the people, as being the best mode by which their interests can be subserved.

The other bills before the House, for deferring the payment of the bonds due from merchants and granting additional credit, as well as giving a credit on cash duties, it is universally conceded will pass, and I trust with few dissenting voices. For one, I feel strongly disposed to afford every facility, and practise every forbearance, which the most liberal legislation will warrant; and it would seem that the administration, whose friends are so generally in favor of this forbearing course, and who are so willing to grant every indulgence to those who have the funds of the Government directly in their possession, or indirectly by want of punctuality in their own obligations and liabilities, should not be unnecessarily embarrassed in their measures, but should be met in a kind spirit by their opponents.

I have no fears in common with some gentlemen that the issue of a limited amount of Treasury notes, for the present relief of the immediate wants of the Treasury, involves any objectionable principle. No apprehension was felt when the issue to a very great amount was made during the war with England, and it appears to me that the imagination must be exceedingly active which can discover danger in this simple process of anticipating the future means of the Treasury by a convenient and beneficial financial operation.

Mr. CROCKETT addressed the Chair as follows:

Mr. Speaker: I hope, sir, the House will not think me impertinent or obtrusive when I ask their indulgence but for a few moments, to submit some few remarks in justification of the vote which I feel it to be my duty to give upon the bill now under consideration. After so much has been said upon this subject, either directly or indirectly, perhaps I may not hope, sir, to cast any new light upon it, or to place it in any point of view in which it has not already been considered. But when I consider the pledges I am under to my constituents, and the very extraordinary course of measures which has been recommended by the administration, I cannot permit this occasion to pass without, at least, making a general exposé of my views, in order that my constituents and the country may see upon which side of the "fence" I stand in relation to these great and important questions.

Sir, I was one of those who used all honorable means to prevent the election of the present Chief Magistrate of this nation to the distinguished and exalted station which he now occupies. But, sir, I do not entertain any bitterness of feeling towards the President; nor did I come here as a representative of the people determined to oppose his administration, right or wrong, or to throw obstacles in the way of its success. On the contrary, it was my firm purpose to divest myself of the shackles of prejudice, and sustain the administration in every measure which I might believe calculated to advance my country's prosperity, and fearlessly to condemn and resist whatever would, in my judgment, tend to produce a contrary result. And this is still my determination.

Sir, the Congress of the United States has been convened under extraordinary circumstances. We are assembled in obedience to the proclamation of the President, to take into consideration "great and weighty matters," which claim our attention. And we find ourselves surrounded by a state of things, in my humble opinion, unprecedented in the annals of this country. I must beg leave to differ most materially from the honorable gentleman from Massachusetts [Mr. Parmenter] who has just recumed his seat. He tells us there is no general distress in the country; that it is confined to a few individuals, and the merchants in the large commercial cities. But, sir, it would seem to me that we have before our eyes the most incontestable evidence of the deepest pecuniary distress and embarrassment in every quarter of this Union. So far as I have heard, no section is exempt, save the district of the honorable gentleman from Ohio, [Mr. Duncan,] who declared on this floor, not many days since, that none had been felt or experienced there. And, sir, I apprehend this exception stands "solitary and alone." We find our currency most awfully deranged—every branch of industry end enterprise prostrate—public confidence withdrawn—commerce and trade suspended, and universal bankruptcy and ruin staring us full in the face. These things, sir, are acknowledged to exist, and are brought to our view, and their causes assigned, in the message of the President. Whether he has given the true causes, I will not here stop to inquire; but, be that as it may, the evil is upon us, and all eyes are turned upon Congress with the most intense interest and anxiety, to see what measures of relief will be adopted. And, sir, what relief are we about to extend? In the very first paragraph of the message, the most deranged and embarrassed state of the finances of the Government is brought to our notice; and, in the second, we are told that, owing to the increased embarrassments in the pecuniary affairs of the country, the public revenue would be so far diminished, that the accruing receipts into the Treasury would not, with the reserved five millions, be sufficient to defray the expenses of the Government until the usual period for the meeting of Congress. And, sir, although this increased state of embarrassment in the pecuniary affairs of the country is acknowledged to exist, yet

a system of measures has been recommended, and has been brought forward by the Committee of Ways and Means, all having in view but one single object—the relief of the Government.

With this view, sir, it is proposed by the bill now under consideration to clothe the President of the United States with authority to cause to be issued ten millions of dollars in Treasury notes, to meet the exigencies of the Treasury; and for the redemption of which the faith and credit of the United States are to be solemnly pledged. This, then, sir, is the "great and weighty matter" which we have been assembled to consider! It is a "great and weighty matter" that the Treasury should be replenished, so that the office-holders may get their pay. But the distress and embarrassment of the community seems to be a matter of minor importance, and of but little concern!

Sir, it has been urged by honorable gentlemen that this is a measure of relief to the country; that it will supply the country with a circulation and a medium of exchange; and I grant that it might offer some temporary relief; but, sir, I believe it would tend, ultimately, to aggravate the disease. So far from being a measure of permanent relief to the people, I believe it is the entering wedge to an institution almost as odious as the Spanish Inquisition. I mean, sir, a Treasury bank. In fact, if the amendment of the honorable gentleman from South Carolina [Mr. Rhett] be adopted, a Treasury bank of issue and deposite is at once established.

Sir, instead of showing any disposition to grant relief to the people, we are called upon to increase their burdens. We are about to heap upon them another national debt, (for, disguise it as you will, it is nothing less, and has been so admitted on all sides,) to the amount of ten millions of dollars, to relieve the Government; while the people are told, substantially, that they need not expect any relief; that it is the business of the Government to take care of itself; and that it has no power to intermeddle with the concerns of individuals! The Government, after having tampered with the currency until it is ruined and annihilated—after having prostrated every branch of industry and enterprise, the commerce and credit of the nation, by practising wild and visionary experiments—cuts loose from the people, and tells them it has no power to grant them relief, or interfere with their concerns! They are to be dismissed with a lecture on economy. Yes, sir; they are contemptuously told that they are to look to their own industry and frugality for relief, without the aid of the Government! Sir, this reminds me of the language of Job's comforters. We read in Holy Writ that on a certain occasion Satan was permitted by the Almighty to try an "experiment" upon the firmness and integrity of "Job, a perfect and an upright man, one that feared God and eschewed evil;" that when, by the power of this arch enemy of the peace and happiness of man, Job's fortunes, and his children, and every thing calculated to render him happy, had been driven to the four winds, and he was reduced to beggary and ruin; when, in addition to this, "he was smitten with sore boils from the crown of his head to the sole of his foot," and was groaning under the bitterest agonies of human affliction; when, in short, by one calamity upon the heels of another, he had been reduced from the highest state of prosperity and happiness, to the lowest depths of degradation and misery, and was wont to roll himself in the ashes upon his hearth, there was but one resource left upon earth to which he could look for consolation and solace—and that was his wife. And when he cried out to her in the bitterness of his soul, what was her reply? She told him he had better "curse God and die!" And, sir, pretty much in keeping with this is the President's consolation to the people in their afflictions.

Sir, do you imagine the people expected to hear such language as this from those to whose interests they have shown so much devotion? Did they expect their rulers to mock at their calamities, which they themselves had been instrumental in bringing upon them? No, sir; they looked to those whom they had placed in power to devise some means to relieve them from their calamities. The proclamation of the President was hailed with joy by thousands as a favorable omen. They hugged to their bosoms the delusive hope that their rulers had seen the folly of their course, and were about to retrace their steps. Sir, although the President was pledged to "tread generally in the footsteps of his illustrious predecessor," yet, I imagine no one believed he designed to tread specially in his footsteps. And it was hoped that if he did tread in his footsteps at all, he would take his "back track," (if I may be allowed to use a hunter's phrase,) at least in relation to the currency and the revenue. But in all this how sadly are we disappointed! So far from this, we find him disposed to plunge still deeper into new and untried experiments! Sir, what do we behold? The whole country involved in one wide-spread ruin, and the Government itself bankrupt; and we are yet to have another "experiment!" Yes, sir, the State bank experiment has failed, and the golden bubble has exploded, and left a wreck of ruin in their train; and now, sir, in obedience to the mandate from the Hermitage, we are to have the Government divorced from all existing banks, and wedded to a new and untried system of sub-treasuries, or, in plain language, a Treasury bank. Sir, we find that the ex-President is not content with having dictated to the people whom they should choose to be his successor, but seems now determined to dictate to that successor. I had hoped, Mr. Speaker, that, as the President had attained the summit of his wishes, he would kick from under him the ladder by which he had ascended, and take the dictates of his own judgment as the man of his counsel; but, sir, mortifying as it may be, we find the message the exact *fac simile* of certain letters not long since addressed to the editor of the Globe, and published in that print.

Mr. Speaker, I shall not now undertake to discuss the sub-Treasury system; but, sir, I will say that, unfortunate as has been the result of former experiments upon the currency, I am bound to believe that this new project must prove much more fatal, if adopted. It is not only calculated to heighten the pecuniary distress with which the country is now surrounded, by bringing discredit and ruin upon all local banks, and all who are interested in them, or indebted to them, but will add tremendously to the patronage of the Executive, which I think is already much too great. My friend from South Carolina [Mr. Pickens] told us a few days since, in his answer to this argument, that he treated all such charges with "the most sovereign contempt." Sir, let me tell that honorable gentleman that it is easier to dispose of some matters by treating them with contempt than in any other way. In what, sir, does Executive patronage consist? I answer, in the power of appointment and removal from office, and the disbursement of public moneys. The President would have the right to appoint and remove every officer who would have any thing to do with either the collection or disbursement of the public moneys, and consequently it would place directly under his control every dollar of the public revenue, and thereby unite the sword and the purse of this great nation in the hands of a single individual. Sir, we have had a little experience upon this point, in the removal of the public deposites from the Bank of the United States; and with this accumulation of power the President might trample under foot the right of suffrage—the most sacred ever guarantied to freemen—and designate his successor with impunity, if he chose to follow the precedent already established. Sir, the liberties of this country were too dearly bought to be committed to the keeping of any one man, no matter how pure and unsuspected he may be. "Gold is corrupting,"

and power is tempting. It can never be done, sir, with my consent. And, besides, as I humbly conceive, the public moneys would be much less secure. The public revenue is to be taken from the custody of all banks, and committed to the keeping of some ten or eleven thousand individuals, scattered throughout the United States. And, sir, although we have recently heard much said about the unavailable funds of the Government, I venture to predict that, if this new experiment be adopted, we have not heard the last of it. We have had an item of this description, in the annual report of our Secretary of the Treasury, for many years; and I fear, sir, that under this new organization of that Department, it will not require a great while to add a much larger item to the account, from the failures and defalcations of sub-treasurers.

Mr. Speaker, in order to remedy the evils which now afflict this country, I am for commencing the work where they originated. Let us, sir, in all due charity, instead of charging the whole of these misfortunes to the account of the people, at least charge one-half of them to the maladministration of the Government; and, although it is not recommended by the President, let us commence economizing a little on the part of the Government, and set a praiseworthy example before the people. I have always heard it remarked that example was much more forcible than precept. Let us, sir, instead of creating a national debt, in order to keep up an extravagant and prodigal system of expenditures which has crept into the Government, commence the business of retrenchment and reform which was promised us a few years since, and adopt some measure of general and permanent relief to the community as well as to the Government; and then, sir, and not until then, may we hope to see better times, and cease to hear the complaints that are now continually saluting our ears from the tens of thousands of honest, industrious citizens who have been thrown out of employment and reduced to beggary and ruin during this age of experiments.

Sir, I deem it unnecessary to detain the House with any calculations to show the state of the Treasury, in order to prove that the passage of this bill is not required to supply a deficit in the Treasury, as contended for by the friends of the measure. It has already been shown to this House conclusively, to my mind at least, that, by withholding the fourth instalment of the surplus revenue from the States, and suspending certain appropriations for useless—nay, worse than useless—public works, exploring expeditions, &c., and thereby reducing the expenditures for the present year some fifteen millions of dollars, there would be ample means in the Treasury to meet all demands against it, without resorting to the expedient of issuing Treasury notes on the credit of the nation. And, sir, if this be true, would it not be an unpardonable outrage to heap upon the people another national debt, right upon the heels of the one just discharged? Sir, we have had theoretical reform long enough; I think it is time we should begin to carry it into practice. But, on the other hand, it is urged that, after withholding the fourth instalment of the deposites from the States, and suspending the fifteen millions of appropriations, there will still be, in any event, a deficit in the Treasury, which renders it indispensable that this bill should pass. And, sir, we are told that the Treasury is in actual want of those funds at this moment, and cannot perform its engagements for ten days without them. I cannot perceive, sir, how this can be; but if it be true, I, for one, say, so let it be. If the Government has actually brought itself to insolvency, and it be really necessary to borrow money to pay its expenses, let the truth come out, and let things be called by their right names. Sir, this bill is designed to practise a fraud upon the people, by borrowing money in such a form that they will not understand it, and thereby shield the Government from the odium of bringing itself from a surplus of forty-five millions to bankruptcy in less than one year. If I were satisfied that there would really be a deficit in the Treasury, which would make it necessary to borrow money to enable the Government to perform its functions, I should certainly grant it; but, sir, I would prefer that it should be asked for in plain English in that form. I am opposed to laying burdens upon the people in disguise. If they are to be taxed, let them understand it, and have an opportunity to provide for it.

But I am told, sir, that we do not borrow money or create a debt by the passage of this bill; that we only anticipate funds that are now unavailable. And, sir, is it not possible that a large amount of these unavailable funds may forever remain so? Is not the Government attempting to divorce itself from the deposite banks, and thereby to discredit and destroy them? And, should it so turn out, most unquestionably it will prove a debt to the nation. But, sir, in my opinion, this is all a fiction. I concur most heartily with the honorable gentleman from Massachusetts [Mr. Fletcher] in the opinion that there is not a dollar in the deposite banks, belonging to the General Government, that cannot be made available to the Treasury by another process, just as conveniently as by the measure now under consideration. Has not the Treasury, for months past, been making these funds available, by drawing drafts upon them, even when it was certain that they would be protested by the banks? And I would like to know the difference between a protested Treasury draft and a Treasury note bearing interest. The draft is good against the Treasury, with interest and charges of protest, and answers the holder every purpose that a note would. It enters immediately into circulation, and commands a premium on account of the exchange it affords. And, sir, while the Government has these unavailable funds in the banks, the Treasury may make them an inexhaustible source from which to create funds by means of drafts. The Treasury may draw upon the very same fund five hundred times, and the drafts may go the rounds, and come back upon the Treasury, and be paid out of the accruing receipts into the Treasury, and the fund still remain. Then, sir, where is the necessity of Treasury bills or notes? I can see none, and am, therefore, induced to believe this measure is proposed with no other object than to establish the precedent, and thereby make it the prelude to the great unfinished measure of the late administration—a Treasury bank; an institution, in my humble opinion, more dangerous to the liberties of the people than a combination of all the Powers of Europe. But, sir, I will not at this time enter into a discussion of this great question. I will only pray God that I may never give my sanction to any measure calculated, in the remotest degree, to establish such an institution.

Mr. Speaker, I fully concur with the honorable gentleman from South Carolina [Mr. Rhett] in the opinion that the people expect, and have a right to demand at our hands, the adoption of some measure which will supply the country with a national currency, which will answer as a medium of exchange between the different sections of the Union; but I am unwilling that these exchequer bills shall constitute this national currency. I believe, sir, that it is as much the duty of the Government to foster and encourage commerce as agriculture, or any other branch of industry: the prosperity of the one depends upon that of the other; and, sir, when we view society in all its ramifications, we find the interests of all classes so intimately connected, that whatever affects one must inevitably affect all. The farmer, the planter, the manufacturer, and the mechanic, are as much dependent upon the merchant as the merchant is upon them. And, although the merchants have been denounced with the bitterest epithets, and charged with being the authors of all the evils that now afflict the country—a most base and disgraceful attempt to

array one class of the community against another—there is not one sentence of truth in it. Sir, if you destroy the merchants, what will become of all the surplus produce of the country? Every cent's worth over and above what every man can consume in his own family would prove a dead loss to him, and consequently every spring to industry and enterprise would be cut off and destroyed. And, sir, under such a state of things, we must inevitably relapse back, in a short time, to the most perfect savage barbarity. Indeed, sir, I look upon commerce as the main source and fountain from which all our prosperity and greatness flow. Where, sir, is an instance of a nation's attaining to any distinction or greatness, where commerce has not been encouraged? If there is one, it has escaped my observation. Why, then, should we not afford the facilities necessary to sustain this enterprising class of our citizens? It is a fact, universally conceded by all who know any thing of commercial operations, that the merchants do not bear the loss sustained for want of these facilities, and that it ultimately falls upon the laboring classes. It cannot be expected by any reasonable man that the merchants can buy and sell goods for nothing. They are compelled to make a moderate profit, and, consequently, all expenses incurred by them for want of proper commercial facilities, they must of necessity charge upon the goods, and ultimately the consumer pays it. So we discover that it is the laboring classes, "the democracy of numbers," so much talked of in this House, whose interest demands a sound and uniform currency throughout the United States.

The power of Congress to supply the country with some sort of national currency that is uniform throughout the Union, in order to assist the domestic exchanges of the country, I believe has been admitted, and even insisted upon, by every administration, from the foundation of the Government down to the last. The first charge which General Jackson ever preferred against the United States Bank was, that it had failed to fulfil the expectations of the people and the object of its creation, viz: to furnish the country with a sound and uniform currency; but in this I think he was mistaken. The present Chief Magistrate, however, "with the lights now before him," has determined that Congress has no such power. But, sir, I think he must have read through magic spectacles, and will have to read again. He surely will not be sustained by the representatives of the people in a position so unprecedented and absurd. Admitting, then, as it surely must be, that Congress not only has the power, but that it is our indispensable duty, to supply the country with a national currency and medium of exchange, the question naturally arises, how is this to be accomplished? Did any man ever seriously believe that the commerce and trade of this great nation could be carried on by an exclusive metallic currency? I answer, no; this question is too clear to admit of controversy. In the next place, sir, are the State banks able to furnish such a currency? Of this I shall leave every man to be his own judge; but, judging for myself, if there be any thing in past experience, I should say it is most clear and manifest they cannot. Then, sir, the great and important question comes up: What will accomplish this end? By one set of politicians, sir, a national bank is said to be the only institution capable of supplying this currency, and past experience is quoted as incontestable evidence in support of this position; while, on the other hand, it is most vehemently denounced as both unconstitutional and dangerous to liberty. These, sir, are grave and weighty objections, if well founded; and, if any other means can be devised to accomplish this end, which will be free from constitutional objections and less dangerous to liberty, I will most gladly embrace it. And, sir, I concur with the honorable gentleman from South Carolina, [Mr. Rhett,] that, unless the country be supplied with such a currency by other means, it will not take the people long to remove all constitutional scruples out of the way of a national bank. As for myself, sir, I do not believe that either of the objections to a national bank is well founded. I have never doubted the power of Congress to charter such an institution. But, if I had, I should consider myself a most egregious bigot were I to set up my judgment against all the precedents on this point. Indeed, sir, I believe this is a question that cannot now be raised with any propriety. It has been twice determined, after the most deliberate investigation by every department of this Government, legislative, executive, and judicial. And I am one of those, sir, who believe that the constitution is as susceptible of being reduced to fixed and settled principles as any other law of the land. If it is forever to remain an unsettled text, and is to be one thing to-day, another to-morrow, and another again the next day, just to suit the whim and caprice of the powers that be, I think we had better surrender the instrument. We had better have no constitution, than to have it the mere creature of those in power, to administer as they may choose to understand it.

And as to the other objection, I think it is equally futile. Suppose we admit that the late Bank of the United States had been guilty of the greatest crime with which it was charged—that of intermeddling in elections, and using its means to acquire political power. Sir, does that furnish any argument why another should not be chartered, with such guards and restrictions thrown around it as to prevent a recurrence of those evils? Most certainly not. We might with as much propriety say that, because the late President of the United States interfered in the election of his successor, and brought the power and patronage of his office into conflict with the freedom of elections, we ought therefore to abolish the Executive Department of this Government. Such an argument is absurd and preposterous.

And, sir, I avail myself of this occasion to express my firm belief that a national bank, based upon correct principles, is the only institution capable of giving the country such a currency as is essential to its prosperity. And I am sustained in this opinion by this remarkable fact, that, during the space of about forty years, while such an institution was in operation in this country, there was never, at any time, a material derangement in the currency, or pecuniary distress; and that, during the two short periods, comprising only about eight years, in which the Government attempted to do without one, we had an entire suspension of specie payments by all the local banks, and the deepest distress and embarrassment in the pecuniary affairs of the country. And, sir, although we have recently had it from high authority, and from different sources too, that a large majority of the people of the United States are opposed to such an institution, with due deference, sir, I must take the liberty to dissent from that opinion. Upon the score of expediency, I am bound to believe there is an overwhelming majority in its favor. And, sooner or later, humiliating as it may be, the Government must return to it; and I hope the day is not far distant.

The community, sir, and especially the commercial community, who have been struggling against winds and tides, and Government experiments, to sustain their credit and reputation, have borne their misfortunes with much long-suffering and forbearance. But, sir, the time may come when forbearance will cease to be a virtue.

I am fully aware, however, that a national bank cannot now be established. We have had incontestable evidence of that fact this morning.* And, sir, even if there were a probability of its success, situated as I am, I would not presume to make the proposition. It is due to those who have more experience to take the lead in a measure of so

* Resolution adopted declaring it inexpedient to charter a national bank.

much importance. But, sir, I am ready to act my part, whenever the subject may be presented. In conclusion, Mr. Speaker, I will only say that, for myself, I am perfectly satiated with new and untried experiments, and I hope and believe the country is so.

Mr. HAMER had thought last night that the debate on this bill was closed; but it seemed that they had taken a fresh start that morning. He himself did not rise to make a speech, but briefly to throw out a few suggestions in reply to some things that had been thrown out by gentlemen in the course of the discussion.

Some complaints had been made of the order in which the business of the House had been brought before it. Gentlemen had urged that this bill ought to have been laid aside, and that the bills to allow time to the deposite banks, and to postpone the payment of merchants' bonds, should have been first disposed of, before the final action was had upon the present bill. Now, there were two reasons why that was not the proper course.

The first was, that, so far as had been seen by the course, and gathered from the declarations of gentlemen in the opposition, they were opposed to all the measures brought forward; and hence it was but fair and reasonable that the friends of those measures should be allowed to select the order in which they should be brought before the House. That was one reason.

The other was, that the Government ought to act, in regard to this matter, precisely as an individual would in similar circumstances. Suppose that he owed a thousand dollars, and was unprepared to pay it when called upon, and asked time of his creditor; that creditor said he would give him time if he (the creditor) could raise it from any other source—must not that creditor ascertain first whether he could raise the amount of money before he could indulge him (Mr. H.) his debtor? That was precisely what they wanted to ascertain in the present case. They were first to ascertain whether they had the means of granting the indulgence proposed in the other two bills, before they could take upon themselves to do so. This was fair and reasonable, and was the only perfectly proper course.

Now, in regard to the arguments advanced that morning by the very able gentleman from Massachusetts, [Mr. FLETCHER.] That gentleman insisted that this bill was unnecessary, and assigned his reasons. He said they should sell the claim upon the Bank of the United States. Why, the Government was now out of money, and wanted funds immediately. Which, then, was the most reasonable: for the Government to go into the market and force a sale of that claim, and the paper she holds against the Bank of the United States, or to issue Treasury notes, and take time to render that debt available, or collect it at maturity? Was a forced sale advantageous, under any circumstances, either to an individual or to the Government? Certainly not. It is better, therefore, that the notes should be issued.

Again: There was a large amount in the deposite banks, said the gentleman. Now, they heard that repeatedly before, but did not every gentleman there know, that the amount in the deposite banks could not be commanded at that time? Nay, more: was it not insisted by gentlemen of the opposition, that that money should not be commanded under one, two, or three years.

What was another argument connected with this proposition? It was that they might issue Treasury drafts upon the banks, and suffer them to be protested, and circulated through the community, as now, instead of notes. Why, in the first place, they had heard from all quarters of the Union, that the Secretary of the Treasury had no right to issue drafts upon the banks, knowing they would be protested. But suppose he had the right, was there any difference between those drafts now circulating and the Treasury notes they proposed to issue? Where was the difference between drawing a draft upon a bank, which they knew would not be paid, but would be protested and allowed to circulate through the community upon the credit of the Government, and a Treasury note, which was to circulate exclusively upon the credit of the Government, and with the belief that the amount it represents will be paid the moment the banks are in a condition to pay? Now, if any gentleman was so astute as to be able to point out any difference—not the metaphysical, but the practical, difference—he would be glad to hear it. Both were certainly circulated on the credit of the Government.

But it seemed that these notes, in the opinion of some gentlemen, were unconstitutional; and then, from all quarters, they were told it was a loan—a loan in disguise. Well, if it be a loan, did not the constitution expressly authorize the Government to borrow money for its needful wants? If it be a loan, as they admit it to be, and so Mr. H. admitted, in one sense, but not in the ordinary sense in which a loan was understood—but if it were, the constitution authorized them to borrow money whenever the necessities of the country required them to do it. How was it a loan? Why, it was just such a loan as he would make to an individual to whom he was indebted, and who called upon him for a settlement, and he could not pay him, but gave him his note promising to pay him in a year. In that sense, but in no other, was it a loan; but no one would so understand it. It was precisely that kind of transaction too. Those who had claims upon the Government called for their money; the Government had not got it, because the merchants and the banks could not pay her, and what does she do? Why, give her notes, and say she will pay up at the end of a year. This is a plain every day transaction between individuals.

Again, it was said this bill would be a burden upon the people. How a burden upon the people? He heard that complaint rung throughout the House, and he asked, how was it a burden upon the people? Did it propose any new tax upon them? Did it propose any levying of fresh burdens? Did it take any money out of their pocket? If they regarded the bill passed to withhold the fourth instalment of deposites with the States as furnishing the means to redeem these notes, in that way it was a burden. But nobody pretended that these notes were to be so redeemed, or to be redeemed at all, except when the deposite banks and the merchants paid up their debts.

Gentlemen talked, too, a good deal about the people not understanding this. Mr. H. had a higher respect for the intelligence of the people. They would understand it; they did understand it.

Mr. PHILLIPS then took the floor, and commenced an argument against the bill, but his remarks were cut off by the arrival of the hour (half past 2) for the House to take its daily recess till 4 o'clock.

### EVENING SESSION.

The House then resumed the consideration of the "bill to authorize the issuing of Treasury notes," being the substitute reported from the Committee of the Whole on the state of the Union.

Mr. PHILLIPS resumed his remarks. He endeavored to prove that the most injurious effects had resulted from the late measure of the Secretary of the Treasury in allowing a large amount of deposites to remain in several isolated banks, while he withdrew nearly the whole sums deposited with the banks on the seaboard. It was his opinion that much of the distress now existing in the commercial cities was to be attributed to that measure. He referred to the prospects of the country for the ensuing year, and contended, that from the report of the Secretary, and the statements given in the House, if a balance were drawn, the amount of difference between the expenditure and receipts would not exceed two or three hundred thousand dollars. He would tell them frankly, that when he

came here his impression was, that the only practicable relief was the creation of a Government loan, by which our account with Europe could be speedily closed, or to issue such kinds of Treasury notes as would be useful to the people; and he thought that the payment of the fourth instalment of the deposites would be the means of distributing these notes to the country. But that measure had failed, and with it a great portion of the ground for issuing these notes.

It was his opinion that specie payments would not be resumed for the present, if the measures now before the House were adopted; and he also wished it to be known that, in his opinion, the period of distress had not passed over. It still existed, and, under the present state of things, must increase. Some gentlemen had attributed the distress to over-trading; but, although he would admit that might have had some influence, yet the great evil which they were called on to remedy was that of obstruction to our credit, both at home and abroad, and to restore the currency to its former state, and the banks to that confidence they enjoyed before the suspension of specie payments. It was desirable that they should make the notes of the banks receivable for public dues; and, when they had done that, they would have done all that was expected from Government; for, when such notes were so receivable, confidence would be restored, and nothing more would be wanting. He could not vote for the bill to its present amount; and, if Treasury notes were issued at all, he would suggest the expediency of issuing them without, rather than with interest.

Mr. HOWARD said he would make a few remarks in reply to the gentleman from Massachusetts, [Mr. PHILLIPS,] upon the point which had been very zealously pressed upon the House by him. It was proposed to raise the money which the Treasury wanted, by a sale of the bonds of the Bank of the United States, instead of issuing Treasury notes. As a financial measure, Mr. H. said, his understanding was not convinced of its propriety, although he freely admitted that the gentleman from Massachusetts was much more conversant with such subjects than himself. It seemed to him that this plan of selling the bonds of the bank was urged upon the House with great pertinacity. During the discussion of the bill to postpone the fourth instalment, it was the policy of the opponents of that measure to show that the Treasury had ample resources at command, and the conversion of those bonds into cash was directly in the track of the argument. But that matter had been decided, and the question now was merely whether the Government should use its own credit, or that of the bank, in order to raise funds.

If the proposition to sell had been brought forward by the adversaries of the bank, and sustained upon the ground that it would be wise to part with the bonds for whatever they might bring, because the bank had not paid the first bond at maturity, it would have been an argument that he could understand. Mr. H. said he begged to inquire from the chairman of the Committee of Ways and Means whether the first bond, which was due on the first of October, had been paid?

[Mr. CAMBRELENG replied, that no notice of its payment had been received, and that the Secretary of the Treasury had been obliged to write to the president of the bank about it.]

Mr. H. said it was generally reported that the bank intended to set off certain Treasury warrants or drafts which had been issued, in payment of the third instalment, to some State under the deposite act, into the correctness of which step he would not now enter, as it would lead him out of his way.

The reason why he mentioned it at all was to show, that if the bank thought itself entitled to discharge the first bond in this way, it might think it just to pay the others by the same set-off; because the assignee of a bond would take it subject to all the equity which attached to it in the hands of the obligee. What would these bonds sell for at the risk of being paid off in this manner? It was true that we might direct otherwise by law; but then it would be a harsh measure, deprive the bank of a privilege which belonged to every body else—that of paying its debts to the Government in such paper as was received from all other persons. If this course had been recommended by the Committee of Ways and Means, might it not have been deemed severe, and tending to embarrass the operations of the bank? But to consider it strictly as a financial measure, what did it amount to? When we had to choose between using the credit of the Government and the credit of the bank, why should we prefer the latter? He admitted that the credit of that institution stood high, both in our own country and Europe, and he had not the slightest wish to impair that credit. But it was not equal to that of the Government. Would the gentleman from Massachusetts contend for this? He apprehended not. But let us follow out the operation. Suppose the bonds put up for sale in New York. In what money would payment be required? In specie or notes of non-specie paying banks? The existing laws forbade the reception of the latter, and specie must therefore be required. Where would six milions of dollars in specie come from? It would be unwise to tempt the banks to bring it out of their vaults, in order to purchase these bonds, because the abstraction of such a quantity would retard a resumption of specie payments, which all agreed in wishing to hasten. Would the hoards of individuals be brought out, and vested in these bonds? Perhaps they might, but they might more reasonably be expected to be enticed from their hiding places by Government securities. Even if the bonds should be thus sold, the currency of the country would remain just as it now is, and no facility be afforded for domestic exchanges, which was one great object of the present bill. Treasury notes would be a valuable addition to the existing circulating medium, because they would enable remittances to be made from one part of the country to another. The plan of the gentleman from Massachusetts, on the contrary, just left things as they were without moving a single inch towards the relief of the mercantile community. But it had been said that these bonds might be sent to England and sold there, and the specie brought here. This might be true. He would pass over the delay which must be experienced in the remittance, sale, and importation of the specie, in order to call the attention of the gentleman from Massachusetts to the singular situation in which this proposal placed him. Gen. Jackson had been severely censured by the opposition with interrupting the course of commerce and forcing exchange, by causing large importations of specie; and here was a proposition to do the same thing, except as to amount. The only difference was, that Gen. Jackson imported thirty millions, and the gentleman proposed to import six. He was actually treading in the footsteps of General Jackson. But what would be the consequence of such an importation? The Bank of England had become alarmed before, when it found its bullion reduced from eight millions sterling to between three and four, and had taken vigorous measures to prevent further loss, by discountenancing American bills and lowering the price of cotton, the consequence of which was a necessity of shipping specie from the United States. It had now regained its usual amount, and the price of exchange was g adually falling. But the sudden abstraction of a million sterling from London could not do otherwise than reproduce the alarm which had now subsided, or was subsiding, and thus we should have fresh trouble. But the gentleman from Massachusetts had also said that the Secretary might draw bills of exchange upon the proceeds of these bonds, and thus bring down exchange. True, this could be done; and he would concur cheerfully with the gentleman in any

measure which could restore the par of exchange, and at the same time relieve our people from their domestic difficulties. But when the bills were sold, the same question arose as about the bonds. In what was payment to be received? It must of course be in specie, and nothing would be added to the currency as a means of making remittances from one State to another. This was the great advantage which the present bill possessed over the amendment, and he should therefore adhere to the bill.

Mr. TOUCEY contended that the bill under consideration was well adapted to the wants of the country, and well calculated to afford relief to the Government and the people; and that, if we attempted to draw the money from the deposite banks while they owe the Government, it will force them to press their creditors, and add to the distress of the community. The country stood in the relation of creditor to the banks and the merchants, and it was its duty to deal with them in such manner as to afford the greatest relief to them. In relation to sending bonds abroad, he must say that he felt a great repugnance to sending them into a foreign market, to raise money upon them to carry on the operations of the Government; besides, if they were sent abroad, it would have the effect of increasing our foreign debt, which now presses so heavily upon us. He supported the bill at some length, and answered the arguments of the gentleman from Massachusetts in relation to the constitutionality of the measure.

Mr. BELL said he had some remarks to make upon the bill, but he would decline doing so, if gentlemen were disposed now to take the question on the amendments; he would not stand in the way of the question being taken. After that, however, he desired to have the opportunity of addressing the House on the merits of the bill, and would then move to strike out the enacting clause for that purpose.

Mr. CAMBRELENG suggested to the gentleman to allow the question to be taken on the amendment, and on the engrossment of the bill; and then he would have the opportunity of discussing the whole merits of the bill on its third reading.

After a few remarks by Mr. WISE, the question was taken on the amendment of Mr. RHETT, and it was rejected.

Mr. UNDERWOOD then moved to strike out all after the enacting clause, and insert:

"That the Secretary of the Treasury be authorized to sell and transfer to the purchaser or purchasers the bonds or evidences of debt executed by the president, directors, and company of the Bank of the United States of Pennsylvania, for and in consideration of the stock held by the United States, in the late Bank of the United States, and to apply the money arising from such sale and transfer in payment of any demands upon the Treasury: *Provided, however*, That no sale and transfer of said bonds or evidences of debt shall be made for a less sum than the nominal amount of said bonds or evidences of debt exclusive of interest."

Mr. WHITTLESEY, of Ohio, called for the yeas and nays on the adoption of this amendment; which were ordered.

Mr. PATTON then suggested an amendment to the gentleman from Kentucky, which he hoped the gentleman would accept as a modification, which was a provision directing the Secretary of the Treasury to draw drafts on the deposite banks, for the balances due the Government, in favor of public creditors; directing the Secretary also to receive such drafts in payment of all dues to the Government. He explained his object to be to prevent the issue of Treasury notes, except in cases of very great emergency. He thought this to be the proper course of proceeding, and took it to be extraordinary that the chairman of the Committee of Ways and Means should not have brought forward a proposition of this kind, when, on a late occasion, at the time a war with France was expected, that gentleman had brought forward a proposition to sell the stock in the Bank of the United States. Now, however, the gentleman had left this proposition to be brought forward by a friend of the Bank of the United States. He went into an argument of some length in support of the proposition he had brought to the notice of the House.

Mr. UNDERWOOD accepted of the gentleman's amendment as a modification.

Mr. CAMBRELENG. The gentleman from Virginia [Mr. PATTON] had referred to a period some years since, when the country was upon the eve, or supposed by some of us to be on the eve, of a French war, when an amount of money was due from the Bank of the United States, and which money the Committee on Foreign Affairs at that time (the same being actually due, and not then converted into bonds) supposed might be applied to the public emergency.

The gentleman had expressed great surprise that a friend of that bank should make this proposition now, and that Mr. C. and others, who were so much opposed to the bank, should oppose it. Now he had attributed to that gentleman a little more sagacity. He did not suppose that any gentleman opposed to the Bank of the United States would wish to adopt a proposition which, if adopted, would compel them to alter the title of the bill under consideration, and make it read, "a bill for the benefit of the Bank of the United States."

What was the proposition but to sell the bonds of the bank, with the endorsement of the United States upon their back; thereby making them, in effect, the bonds of the United States? And that the gentleman called "a divorce and separation of this Government from the Bank of the United States!" They were to endorse the bonds of that bank, and then go into the market as merchants and sell them, with the endorsement of the United States upon them. We might with *equal* propriety dispose of the merchants' bonds in the *same manner*.

What, then, would be the *next* operation? Why, that the Bank of the United States *would* itself indirectly buy them. Where were *six millions of* dollars to be raised? Was there any capitalists *in this country*, or any association of capitalists, or any *institution*, except the Bank of the United States, that could, *at* the present crisis, purchase this stock? There was not. The bank would have no competitor, and would itself purchase her bonds, not directly, but by an agent, who would pay for them by drafts on some banker in London, aided, perhaps, by the Bank of England. They would be transmitted to London, and the bank would realize an immense profit by the operation. Mr. C. had no doubt that every friend of the bank upon that floor would vote for the proposition, since it would put at least $100,000 (more, probably half a million) into the pockets of the stockholders of that institution. But how is it proposed to realize this amount? When is it to be paid—where, and in what description of money? In the mean time, where were the Government debtors to procure money to pay their debts to the Government? Or where was the Government itself to get the means of paying its current expenses in every quarter of the Union? Was any body to be benefited by such an operation? Nobody, but the Bank of the United States.

Mr. C. said there were two extremes to this proposition for supplying the Treasury with means. Before he would consent to put forth the bonds of the Bank of the United States with the endorsement of the Government upon them, and then send them through the agency of the bank itself to England for disposal, he would infinitely prefer at once an issue of Government stock. It would be degrading to this country to issue its credit in the form of an endorsement. Their credit was amply sufficient without any con-

nexion with that of the Bank of the United States. The proposition for stock was the extreme on one side. It would suit very well the gentleman from Massachusetts, [Mr. FLETCHER.] It would suit very well the great capitalists of this country who wanted to make investments. To them it would give relief, very great relief, and profit too; but let him tell the gentleman from Massachusetts, that the merchants who owe their bonds to the custom-house, and others who have debts due them from other States, would not thank the gentleman. Neither would merchants in the West and Southwest, and in the interior, thank the gentleman for substituting a stock in place of supplying them with a medium of remittance to their creditors in the Atlantic cities. An issue of stock was one extreme of the proposition.

The other extreme was the proposition of the gentleman from South Carolina, [Mr. RHETT,] to issue Treasury notes without interest. Mr. C. spoke not then of the character of notes of that description; but in effect it was best for our internal circulation. We had, however, bills before us, which would undoubtedly pass, postponing almost all our Treasury receipts till the next year. There was danger, therefore, that such notes would become depreciated. As Mr. C. said, when up before, he did not wish this Government to issue Treasury notes of any description, in any form whatsoever, liable to depreciation. There was already an outcry throughout the country against depreciated paper. We had too much of it now; and the evil would be augmented, if the credit of the Government should become depreciated. He was anxious to guard against that event. For this reason, among others, he had therefore come to the conclusion that it was better, taking all interests into consideration, to adopt the issue of Treasury notes bearing a moderate rate of interest.

The beneficial effect of these notes would be felt from one end of the Union to the other. Take the southwestern country alone. They would be paid out for the expenses of the Florida war, and for other expenditures in the interior. This would enable the merchants, through them, to liquidate their debts in the Atlantic cities. When, in the form of remittances, they reached these points, they would be paid into the custom-houses, or remitted abroad. The amount issued in the northeast, either for expenditures or to raise means for the Treasury, would also be in part purchased for remittances abroad. But the two gentlemen from Massachusetts, [Messrs FLETCHER and PHILLIPS,] or at least one of them, tell us that they will not be sent abroad; and why? Because the certificates were not in duplicate! Why, sir, are certificates of bank and State stocks, of which millions are remitted to Europe, issued in duplicate? But these Treasury notes were payable in twelve months, and could not therefore be negotiated. Sir, what have we seen within a few months past? Have we not seen the twelve months' bonds of the United States Bank remitted to London and sold there? Nay, have we not even seen the bonds of the Morris Canal Company—an institution, by the way, not of the most unquestionable credit—have we not seen even the bonds of that company remitted and sold abroad? Yet, sir, gentlemen tell us that five per cent. Treasury notes, issued by the Government of the United States, cannot be remitted to discharge any portion of our foreign debt!

In conclusion, Mr. C. said he hoped the House would adopt such a measure as would go to maintain the credit of this Government, by authorizing the issue of Treasury notes with interest. The sale of the bonds might be very profitable to the Bank of the United States. The issue of a stock might be advantageous to our banks and capitalists. The Treasury notes without interest would relieve our internal trade from much embarrassment; but Treasury notes with interest would essentially afford relief to every part of the Union, and aid in equalizing our internal and external exchanges.



Mr. THOMAS thought it extraordinary that gentlemen should bring forward proposition after proposition to authorize the Secretary of the Treasury to issue drafts on the banks, which would be bought up and thrown back on the hands of the Secretary immediately. It was well known that we must borrow money in some way or other, and this being the case, he took it that the better plan would be to have as many bidders as possible. The bank bonds could not be bought by any but large capitalists, while the Treasury notes could be taken up by every merchant; so that the simple question was, whether we should put those bonds in the market, which would command but few bidders, or whether we should put in the market the notes which every merchant in the country could take. He thought it perfectly plain that the notes would answer the best purpose.

Mr. BOULDIN rose and addressed the House as follows:

Mr. Speaker: I will not detain the House with apologies for doing that which is the duty of every member of this House, as well as his privilege—I mean, to express his opinions to the House and to his constituents. I would not, however, trouble the House with any remarks of mine, were it not for what the honorable gentleman from New York, the chairman of the Committee of Ways and Means, [Mr. CAMBRELENG,] had said in regard to those who might vote for this amendment. He said, sir, if I understood him, that any man who might vote for it, at the same time being a hearty opponent of the Bank of the United States, was wanting in sagacity. Sir, I mean to vote for the amendment of the gentleman from Kentucky, and also for the addition to that amendment offered by my colleague; and I thought I had sagacity enough to know that it will have no tendency to recharter that bank. If it has any such tendency, I would be glad to be informed how, and will go against it. The gentleman from New York has not shown how. He has shown that if any profit can be made, the Bank of the United States of Pennsylvania will make it. This I knew. If there be any profit to be made of consequence, that bank, or some bank, or some capitalist, or some association of capitalists, will make it. But that is not a recharter of the bank.

Sir, I am against a bank of the United States, from the heart outward. I am not one of those who would have the constitution altered to allow one. I am not one of those who, while they are against a bank of the United States, will ransack new and old—heaven and earth—to find reasons to show we cannot do without one. I am opposed to it on the ground of unconstitutionality, for reasons often urged, familiar, and not necessary to be repeated here. I am against it, because I am against privileged orders in this country. I am not willing to give any heartless corporation the right and the power to raise the price of property to what it pleases, and depress it to what it pleases, without the consent, or even the knowledge of the owner. This corporation, the Bank of the United States, certainly had this power, and as certainly exercised it, by expanding or contracting its issues. Issue a great deal, property sells high; contract a great deal, property sells for nothing, or next to nothing. Sir, I listened with the attention due to talent and character to the gentleman from Pennsylvania, [Mr. SERGEANT,] as I had opportunity for several days. I did so, with that pleasure that a display of talent always gives me. He spok with great earnestness of the condition of his constituents, who, it seems, are mostly merchants, and it made me feel more sensibly for my own.

He spoke of their enterprise and perseverance, skill and success in trade, and I feel a pride in their character as citizens of my own country. Sir, I knew that they had taken to themselves wings and flown to the uttermost parts of the earth, and over the most dreary and dangerous re-

of it, it is the people's own money, and they can better bear this sacrifice than the sale of their property, or taking more money out of their pockets.

I have said nothing, sir, in regard to the particular merits of the bill, but only of some of the amendments, and have availed myself of this opportunity to throw out some of my opinions generally in regard to the means of relief from the present difficulties. I will go a very little further, and trouble the House no longer. In my opinion, the whole difficulty arises from our having, or having had, or having supposed we had, and still supposing we have, too much money in the Treasury. Remove this, and all is simple and easy.

I agree perfectly with the President of the United States in believing we have nothing to do in providing a curreney, further or other than as the constitution literally mentions. That instrument fixes a standard to be used when debtor and creditor come to points, and cannot agree as to what the debt shall be paid in. The debtor can get clear by offering, and the creditor can require, if he pleases to do so, the specie which is the standard. Congress cannot add to nor take from this privilege, in regard to either. Every law about money, without saying more, refers to specie only. Every judgment; every execution for money, without any thing more said in relation as to that point, is for specie of course. The Treasurer and Secretary of the Treasury have by the constitution the control of the money belonging to the United States to a great extent. You may shelter them by authorizing them to place the money in this or in that bank. But you cannot make them more responsible.

I heard, sir, a great man, I admit him to be so, proving that somehow the notes of a bank which did not pay specie were paper money, but that the notes of a bank that paid specie at the pleasure of the holder, were not paper money. The notes of banks last year were not paper money! The notes of the same bank this year are paper money! Yet the same notes this year will buy more property than the specie they promised to pay, had it been got, would have bought. Paper money this year, then, is better than specie last year. Make a law directing the officer to place his money in a specie paying bank; it is grounded on distrust of the officer. If he be not honest, I say it shelters him; for he may take witnesses, and demand specie for perhaps a note of one hundred dollars, and get it, and then deposite five hundred thousand under the law, and he and the bank may divide it in specie, and stop specie payments.

There is no getting round it. Put the money in an iron chest, and who is to keep the key? Defend it with bayonets, and who is to keep the bayonets off it? There is no way to keep such vast sums safely out of the hands of the immediate owners.

But stick to the simplicity of the constitution. Collect money for the only legitimate object for which you have the right to collect it. Let the law call for money, and nothing more; and direct money to be paid, and nothing more—I mean, naming the amounts, to whom payable, &c.

If the public creditor demand specie, by the constitution he must have it. If he should not, the collecting officer being, as he should always when he can be, the disbursing officer, the thing is settled naturally and easily in the usual way, in any money that is current at the time. How simply and easily this thing is exemplified in the case of sheriffs, constables, and such like officers in the collection of private debts, and the revenue of some of the States. Very little money is lost in their hands. None are very jealous of their power and station. Ten times the amount of the proper revenue of the United States is thus collected of private claims and demands, with very little loss in the course of the year.

All these judgments and executions, &c., or scarcely with any exception, are for gold and silver, and yet they produce little or no difficulty or alarm. And why, sir? It is, that there is a creditor, or plaintiff, watching and ready to receive his debt in any current money, and specie is not either demanded, or expected to be demanded. So it always has been, and will be, with the Government, when it had no more money than it needed, and did not attempt, by bank or otherwise, to regulate the currency. If the Government have a little more than it can immediately pay out, and lose some by depreciation or otherwise, it will be but small in all probability, and they ought to lose it, as others are liable to do. As to large surpluses either here, or lodged about among the States, I would as soon undertake to administer medicine to the dead as to produce a cure for the evil effects while the fact remained.

These operations, sir, are simple and easy in my estimation; but let the sheriffs and constables, banks and the like, undertake to regulate the currency and demand specie, and insist upon it whether the creditor or debtor wanted either to receive or to pay it or not, you would have trouble enough. No man would venture to inflict this generally. Few men fail to adjust these things to the satisfaction of the people if possible. It is only in a roundabout way through a bank, as it was done in 1819-'20, and about that time, that this cruelty can be extensively inflicted.

To conclude, then, sir, I will vote for the sale of these bonds, or any other funds belonging to the United States, with a view of getting clear of all surpluses, real or supposed. I want to square off. The more we are entangled with or without money, the more likelihood there is that we may at last have to open the doors to this bank, which, with its old name and old propensities, is just at the threshold, waiting for a chance to enter. It has been often said that that bank makes no application here at this time, but waits for the proper time. And when is the proper time? Just, I suppose, when it has thrown so many difficulties, and obstacles, and arguments, and objections in the way of every thing we can propose or offer that we are willing to call on them. They do not bring in any bill truly, but they endeavor to drive out all bills until some one shall bring that in. It appears to me impossible that a man should not feel himself besieged here by that corporation from year to year. It has been the case ever since I came here. The stages were broken down, and wrapping paper reduced in price from four cents a pound to three, with melancholy and alarming representations of evils that never have happened. I have voted for measures, I expect again to vote for measures I do not altogether like, for fear that, at last, that institution should be rechartered, which I view as injurious to the whole Union, and particularly destructive to the prosperity of the South. Sir, why is it that New Orleans, exporting, as she does, an amount of produce far more than any one State in the Union, even than New York, should not be able to import directly any thing worth speaking of from abroad? It is not because she wants currency, either in paper or specie; she has that which is better than either—cotton, that will buy any thing in any market. I cannot but believe that it is owing to the concentration of moneyed capital produced in the North by the former Banks of the United States, trading upon that which is our own money, (for cotton, tobacco, and rice amount to eighty out of one hundred millions, and in that proportion of all the exports of the whole United States,) the profits from which must pay for all the imports, if they are ever paid for, into the United States in that same proportion; and these banks must have been the cause, in some degree, if not mainly, of that unnatural and apparently unaccountable fact.

After Mr. Bouldin had concluded, the House adjourned.

FRIDAY, OCTOBER 6.

## BILL TO EXTEND THE OPERATION OF CERTAIN ACTS OF CONGRESS.

Mr. THOMAS suggested the calling up of the bill reported by the Committee on the Judiciary as to continuing in operation certain laws until the end of the next session of Congress. This bill had been referred to a Committee of the Whole, and Mr. THOMAS moved to discharge that committee, and to take up the bill in the House. The motion prevailed.

The bill being before the House,

Mr. BRIGGS moved to recommit the bill to the Committee on the Judiciary, with instructions to enumerate in the act the titles of the different laws to which it had allusion. Motion lost.

The bill was then ordered to be engrossed and read a third time this day. At a subsequent hour, this bill was read a third time, passed, and ordered to be sent to the Senate for concurrence.

## FLORIDA WAR.

The House then proceeded to the unfinished business of the morning hour, which was the consideration of the following resolution submitted by Mr. WISE on the 19th of September:

"*Resolved*, That a select committee be appointed by ballot to inquire into the cause of the Florida war, and into the causes of the delays and failures, and the expenditures which have attended the prosecution of that war, and into the manner of its conduct, and the facts of its history generally; that the said committee have power to send for persons and papers, and that it have power to sit in the recess, and that it make report to the next session of Congress."

Mr. GLASCOCK had moved to amend the foregoing resolution, by striking out all after the word "*Resolved*," and insert the following:

"That a select committee be appointed to inquire into the cause of the Florida war, and the causes of the extraordinary delays and failures, and the expenditures which have attended the prosecution of the same, and all the facts connected with its history generally; and that said committee have power to send for persons and papers."

The question immediately pending was the motion of Mr. HOWARD to strike out the words "that a select committee be appointed," and insert "that the Committee on Military Affairs be instructed."

Mr. LOOMIS, of New York, who was occupying the floor when this subject was last up, and interrupted by the orders of the day, resumed his remarks, and said that, when this matter was last under consideration, he had commenced some observations in vindication of his predecessor, [Abijah Mann, jr.,] from the censures cast upon him by the gentleman from Virginia. He had characterized the attack made upon his predecessor, six months after occurrences had transpired, and when the circumstances of the parties had entirely changed, as extraordinary, and, in his view, entirely unjustifiable; and he was about proceeding, when interrupted, to show that no censure could be imputed to his predecessor, even from the statement of the gentleman from Virginia himself. He was well aware that he might leave the character of his predecessor to its own vindication wherever it was known; and if he had not some observations which he wished to submit on another branch of the subject, and more directly pertaining to its merits, he should have contented himself to let this matter rest where it was, after so long a lapse of time; but he would show, in a few words, that no censure was imputable to the majority of that committee, or the individuals who had been designated. The gentleman from Virginia had prefaced his charges by a statement, made with all the emphasis of manner which peculiarly distinguish his remarks, by announcing to the House that he was about to make a statement never before communicated to this House or to the country, and the substance of that communication was, the manner in which the reports of the majority and minority of that committee had been made up. And how was it? Why, sir, stripped of its coloring, and stated in brief space, it was, in sum and substance, that the members of the majority had furnished their chairman—the individual of their party first named on the committee—with their separate views, to be embodied into a report, and Mr. Mann had, in addition, furnished his notes of the proceedings and evidence before the committee; and this chairman of the majority, instead of performing the labor of embodying these views in the form of a report, had entrusted them to their clerk, to be arranged and reduced to form. Now this was the whole substance of the charge announced to the House with so much solemnity, and upon which the answer imputed by the gentleman was grounded. Was there any thing censurable or extraordinary in this? Was there any thing which should call down the indignation of this House, or of the community, as might be inferred from the remarks made by the gentleman from Virginia?

The offence particularly imputed to his predecessor was, that he had actually furnished the notes he had taken of the proceedings, as a member of the committee, to assist in making out the report of the committee.

[Mr. WISE interrupted Mr. L., and said that was not the pith of the charge against the gentleman's predecessor. The charge was that he denied that he knew the contents of the report until it was read in the committee; and Mr. Pearce himself had said it was Mr. Mann who furnished the offensive matter for the report. The charge against the gentleman's predecessor was that he was guilty of falsehood.]

Mr. L. resumed, and said from the estimation in which the character of Mr. Pearce appeared to be held by the gentleman from Virginia, as exhibited in his former remarks, he should hardly suppose that he (Mr. W.) would introduce him (Mr. Pearce) as a witness against any one.

[Mr. WISE. Well, I do confess I would not place much reliance on Dutee J. Pearce.]

Mr. L. resumed. He did not understand the gentleman from Virginia, either formerly or now, to say that Mr. Pearce told him that Mr. Mann knew the contents of the majority report; but he understood it that the gentleman inferred that fact from the circumstance that Mr. Pearce told him that Mr. Mann furnished the notes from which the offensive matter was taken. If he was mistaken in this, he desired to be corrected and set right. The testimony did justify the inference, and he could see no impropriety whatever in that circumstance; he considered it the duty of every member of the committee to give his views to the member who drew up the report, and to furnish his notes of the proceedings also, if use could be made of them. It had appeared that the majority had not signed the report as drawn, but had amended it by striking out parts of it, to make it meet the concurring views of the six individuals who composed that majority. This was to have been expected, and the report of the minority shared no better fate. That was drawn by the gentleman from Virginia himself, and his colleagues had declined signing it, as he understood the gentleman to say; and, finally, the gentleman from Virginia alone, being the minority of the minority, and one out of the nine, had drawn up and signed his report alone. This report, the gentleman had informed the House, he wrote with his own hand, crossed the *t's* and dotted the *i's* himself, and he (Mr. L.) presumed that he agreed to it unanimously.

I have done with this branch of the subject, and have said more perhaps than was necessary to say upon it.

With respect to the resolution and the amendment before the House, there was one part of it which Mr. L. considered objectionable. It was that part which gave to the proposed committee power to send for persons and papers. This was a high power which this House possessed, and which, in his opinion, ought never to be entrusted to a committee, except in cases of clear necessity. No such necessity was shown in this case. It was a power very liable to abuse; and though it was not to be expected that a committee of the House would sanction any abuse, yet he thought that prudence dictated to the House to reserve to itself these extraordinary powers, unless a case of necessity was presented. It would be time enough to grant such a power when a committee should inform the House that they had sought information of some person who had refused to disclose it. Does any one doubt but that the Secretary of War would disclose any fact or circumstance within his knowledge, that a committee might require, without being called up as a witness and sworn? Or would any officer in the service refuse to answer any communication from a committee? The resolution before the House embraced a wide range. It would be almost matter of necessity under it to seek information from the officers now engaged in carrying on that war. The commanding general and all his officers would, by this resolution, be subject to be called here to testify before this committee.

This war had already undergone several partial investigations before courts martial and courts of inquiry. A great amount of evidence had been taken relating to it, and large sums expended—thousands upon thousands—in eliciting facts. There was now no charge of any concealment by any person; and he (Mr. L.) was averse to instituting a tribunal to try the comparative merits of the several officers who had been engaged in that service. The difficulties attending the prosecution of that war, and which had produced so much delay and expenditure, had been explained by several gentlemen in this very debate. We had been told of the great extent of wilderness, of the swamps and everglades, impenetrable to the whites, in which the savages concealed themselves. We had been told of the difficulty of transporting the necessaries of war, and, above all, of the sickly and unwholesome climate.

These were, doubtless, the true causes; but he (Mr. L.) was not averse to an investigation, but he preferred it should be in the ordinary mode, and by the Military Committee, as moved by the gentleman from Maryland.

Mr. L. concluded by moving to strike out that part of the resolution which gives power to send for persons and papers.

The CHAIR said this amendment would not now be in order until the amendment pending was disposed of.

Mr. GLASCOCK then modified his amendment, by inserting the following: "except such as may be engaged at the time in the service."

Mr. WISE suggested to the gentleman that, as the House was to adjourn on Monday week, the committee should have power to sit during the recess, and not have the investigation confined to ten days.

Mr. GLASCOCK replied that it would be continued at the regular session of Congress.

Mr. WISE hoped that, as the session was now to close in about eight days, that gentleman would also consent to incorporate in his amendment the power to sit during the recess.

Mr. W. went at some length into the exposure of the indisposition of the majority in the House in relation to the proposed investigation. He saw very plainly that the same state of things existed now as ever before. The leopard would as soon change his spots (said Mr. W.) as this House will change its determination to do nothing towards exposing the corruption of this Government.

As to the old matter, with regard to the committee of investigation, so often alluded to, Mr. WISE said he should not touch upon it again; but he would remark that the gentleman from New York [Mr. LOOMIS] had given abundant evidence of his fitness to succeed Abijah Mann. To show, by a single fact, indisputably proved, that frauds and corruption have attended this Florida war, Mr. WISE produced and read the following papers:

"STEUBENVILLE, OHIO, *October* 1, 1837.

"DEAR SIR: The enclosed letters will sufficiently explain their object, without the addition of many remarks of my own.

"On my arrival at Wheeling, a few days ago, on duty, I was informed of a gross instance of peculation, said to have been committed in Florida by an agent in the employ of the United States, and I immediately addressed a letter to the gentleman who was said to have witnessed the fraud, a copy of which is herewith enclosed, marked A. You will perceive that (having implicit confidence in the integrity of the officers of the army) I expressed the opinion in advance that the fraud was 'committed by a citizen,' and not by 'an officer of the army.' It is with honest pride I mention the fact that I was not mistaken in my conjecture, as there is no individual in the army of the name of Skinner. I will now venture the further prediction that, whenever you ferret out the rats, you will find them to belong to the 'sovereign people,' and not to our much-abused little army.

"The individual (Skinner) above alluded to, I understand, was, at the time, a citizen of Irwinton, Alabama.

"In one particular, however, my information was incorrect, as it was stated to have occurred in Florida, and you will perceive by Mr. Smith's answer (marked B) that it took place at Fort Mitchell, Alabama. I do not start this new game with any expectation or wish of diverting you from the chase in Florida, but simply to show you that the late Creek war is equally worthy of notice.

"We, my dear sir, are no politicians. We obey the orders of our superior, and endeavor to do our duty, leaving the strife of party to those whose constitutional right it is to select our rulers. The only boon we ask is to have rigid justice meted out to us. If the army has not met the expectations of the country, and has failed in the Florida war, it should be borne in mind that fifteen thousand 'citizen soldiers' have failed also. If 'three major generals of the army' have been unsuccessful, it should not be forgotten that the Governor of Florida, having the public Treasury at his command, and a whole summer to make his preparations, was, likewise, unsuccessful. If the 'American arms have been disgraced,' as has been so often asserted on the floor of Congress and in the public papers, I thank my God that I did not (although I served in three campaigns) witness the humiliating spectacle. With but one exception, wherever the Indians were seen, they were charged and driven until they were lost in swamps and hammocks. If we could not pursue them further and catch them, it was because the God of our natures did not endow us with the fleetness of the savage, and the scenting faculties of the bloodhound. If the army is inefficient, there must be some reason for it, as every effect has a cause. But on this head I have not time to dwell, although many reflections are presented to my mind. One remark, however, I will make, and I do it with the freedom of an old acquaintance. If the country is dissatisfied with the army, in God's name let it be disbanded; for I would rather be an humble practitioner of the humblest hamlet than see the army insulted by the taunts and stale gibes of every newspaper witling.

"In conclusion, I must distinctly disavow any and every political motive in forwarding you this communication. My sole aim is to vindicate the character of the army, and to add my humble mite towards an investigation which, I

hope and confidently believe, will place it once more '*reetus in curia.*' If such be the aim of your resolution, (and that it is I shall be the last to doubt,) I say 'God speed you.' No man can be more anxious to see the abuses in the army ferreted out and the correction applied than myself. Further, you are at liberty to make whatever use of these papers you may think proper. I am, &c."

[Signed by an Assistant Surgeon of the Army.]

[A.]

"Wheeling, (Va.,) *Sept.* 28, 1837.

"Sir: I have learned, since my arrival at this place, that you witnessed, on a recent occasion, in Florida, an instance of peculation on the part of a public agent, who had public funds in his possession, &c.

"The fraud, if perpetrated by an officer of the United States army, would form the basis of charges, which, if proven, would cause his name to be instantly stricken from the army roll, and consigned to merited infamy.

"If, however, it should turn out that it was committed by a citizen instead of an officer of the army, as I am induced to believe was the case, it is due to justice and to the army that the truth should be known; so that no part of the stain should attach to men who value their honor and reputation above all price; which they will neither compromit themselves, nor suffer any human being to trifle with. At any rate, let the truth be told, blast whom it may. I therefore respectfully request that you will furnish me with a full statement (accompanied by a deposition) of all the particulars of the transaction, the names of the parties, &c., the time and place where it occurred, and any other matter you may deem necessary for ferreting out the perpetrators, &c., to be used by me as I think may best subserve the ends of justice.

"Very respectfully, &c., your obedient servant.

[Signed as above.]

"Mr. A. Y. Smith, *Triadelphia, Ohio county, Va.*"

[B.]

"Wheeling, *Sept.* 30, 1837.

"Sir: Your letter of the 28th instant came to hand this morning. In answer to your inquiries, I have to state, that the transactions to which you allude occurred at Fort Mitchell, Alabama, and not in Florida, as you were informed. The particulars were substantially the following:

"I arrived at Fort Mitchell on the steamer Anna Calhoun, from Appalachicola, the boat having on board freight for the United States army; the freight on which amounted to about one hundred dollars. When the amount of the charge was made known to Skinner, who was acting as Quartermaster for the United States, he (Skinner) told W. W. Crenshaw, clerk of said boat, to make the bill amount to five hundred dollars; upon which Crenshaw replied, that if he (Skinner) would give him one hundred dollars he would do so; to which Skinner immediately agreed, and Crenshaw made the bill amount to $500; for which Skinner gave him one hundred dollars, and Crenshaw receipted the bill for $500. This transaction occurred about the 1st of February, 1836, at Fort Mitchell, Alabama.—[See note.]

"This is a correct statement of the transaction, so far as observed by me, and as stated to me, after the transaction, by Crenshaw.

"I am, dear sir, your most humble servant,

A. Y. SMITH."

"Ohio county, Va., to wit:

"Personally appeared before me, a Justice of the Peace for the county aforesaid, A. Y. Smith, and accordingly took oath that the foregoing statement is correct and true to the best of my [his] knowledge and belief.

A. P. WOODS."

[Note, (by the writer of the two above letters.)—I apprehend that Mr. Smith has inadvertently made a mistake in the year, as it was probably 1837 instead of 1836.]

Mr. W. then adverted to the proposition to strike from his resolution the power to send for persons and papers. He would tell gentlemen that, without this power, it would be impossible to bring to light the frauds and corruptions of this Government. Even with such a power, it would be almost impossible. He alluded to what he had himself seen in investigating committee rooms, and to the fact that there were witnesses in this city who could have been adduced in proof of the misconduct of officers of the Government, had it not been actually dangerous to them to summon them. Their bread depended on their silence. Individuals who, he well knew, could have testified in these matters, had come to him, at his lodgings, with tears in their eyes, and begged him not to summon them. The proscription practised in the Government, as now administered, hermetically sealed the mouths of witnesses. And yet it is now said that it is dangerous to give a committee of this House power to send for persons and papers! Oh! most kind, indulgent, he would not say servile, representatives of the people!

Mr. HOWARD said that he would not have troubled the House with any further observations upon the amendment which he had submitted, if it had not been that he wished distinctly to say to the House and the nation that it was not his wish to smother investigation into either the causes or conduct of the Florida war. On the contrary, he thought that the members of any committee to which the inquiry might be sent would not do their duty to the House, the country, or themselves, unless they gave the freest scope to the examination, regardless of the persons upon whom the censure might fall, if any censure was due, and influenced solely by a spirit of strict justice and impartiality to all. Having said this, he had a right to expect, and did expect, from the gentleman from Virginia, [Mr. Wise,] that, upon whomsoever else he might cast the imputation of desiring to stifle inquiry, he would exempt him (Mr. H.) from being included in it.

When the resolution was under consideration some two weeks ago, the gentleman from Tennessee [Mr. Bell] had made some statements which appeared to be strong arguments in favor of sending the subject to the Military Committee. Perhaps the House had forgotten the debate which then took place, although they seldom forgot any thing which that gentlemen said. The disappearance of resolutions from before the eye of the House, and sudden reappearance at a distant day, was a great practical inconvenience. According to his classic reminiscences, there was somewhere in Greece a river which plunged under ground and started up, to the surprise of those to whom it unexpectedly showed its current, far away from the place of its submersion. It was just so with some of our resolutions. The honorable gentleman from Tennessee had said that we had the skeleton of an army, but that it was not filled up.

Mr. BELL said that the fact which he stated was this: that when a lieutenant of a company fell in action, the command devolved upon a sergeant, and that there appeared to be a deficiency in the number of officers on duty there.

Mr. HOWARD said that he had so understood the gentleman, and would use that fact to show the propriety of referring this subject to the Military Committee, because that committee could, and doubtless would, urge upon the House a bill which had been reported every year since he had been in Congress, and the necessity for which was fully shown by the Florida war. He alluded to a bill establishing a corps of engineers, detached altogether from duty in the line. Every body knew that a general order had been issued last winter, recalling officers of the army from engineer duty, and directing them to repair to their

respective regiments. The services of those officers, acting as engineers, were very useful to the country, and the pressing demands for them from all quarters had caused their absence, on furlough, from their posts in line. The experience of the Florida war showed the absolute necessity of separating the two arms of service. Such a measure would, of itself, be of great service to the organization of the army. But there were probably other improvements which might be proposed, after a minute examination into the manner in which the war had been carried on. He desired to attain some practical good, instead of having merely a barren inquiry, and, therefore, was in favor of referring the matter to a committee which could report bills in the discharge of its regular duty, instead of stopping with a resolution either censuring or not censuring some officer of the Government.

Mr. GLASCOCK regretted that it became his duty again to address the House on this subject; but, as he had thought proper to move an amendment to the original resolution, and in consequence of remarks made to-day, he felt it his duty to do so. It seemed now, from the remarks of the gentleman from Virginia, [Mr. Wise,] that he evinces a great indifference from that heretofore evinced by him in relation to the disposition to be made of the resolution offered by him; and he seems to think that there is no disposition on the part of the majority of the House to go into the investigation proposed. Sir, (said Mr. G.,) that gentleman must see entirely different from himself, if he has recently discovered any thing like a disposition to evade this question. He had expressed himself on a former occasion in favor of this inquiry, and he was still desirous that it should be had. He felt it to be due to all the officers in the army who have been engaged in that unfortunate war—he felt it due to the Government, and he felt it due to the people of the country—and, whatever disposition the gentleman now feels disposed to make of this question, he hoped the majority of the House would maintain its original intention to carry out the investigation. His object in not wishing the committee to sit during the recess, was to save as much as possible the country from the expenses already incurred in the prosecution of that war, particularly when all the ends of all parties asking this investigation could be attained without it. It has been truly and justly remarked by the gentleman from Maryland, [Mr. Howard,] that there are weighty and important documents, which will occupy the attention of the members of the committee, which may be appointed at this time, during the recess, which will give them the opportunity of forming correct opinions in relation to the matter, and enable them to proceed promptly to the execution of their duty at the next session of Congress. But what astonished him most was, to find the gentleman from Virginia [Mr. Wise] reading letters and documents to the House for the purpose of forestalling public opinion in relation to this inquiry. Mr. G. confessed that this was pursuing a course which he had been taught from the commencement of his political life, in all transactions, studiously to avoid. He had been taught that, whenever an investigation was to be had where it was expected that all the testimony would be brought to bear upon every point, it was improper to forestall public opinion, and produce a prejudice in the public mind, by introducing evidence in advance, and sending it forth to the country.

Mr. WISE said this was very different ground from that taken by the gentleman's party last session, when it was insisted on that specific charges should be made against the Executive Departments before a committee should be asked for to investigate them.

Mr. GLASCOCK said this was not the first time that the party to which he belonged had been referred to. As for himself, he was only responsible for his own acts; and the gentleman would do him the justice to say that he was among the first to advocate the investigation then asked for. He stood almost alone in the first instance in favor of the inquiry.

Mr. WISE would do the gentleman the justice to say that he did; but at that time he was not exactly recognised as one of the party.

Mr GLASCOCK replied that, whether he was considered as one of the party or not, no man in his section of country ever doubted where he stood in relation to the prominent measures of General Jackson's administration. No man ever doubted that; even his political enemies never doubted it; or, if they did, no act of his life authorized it, and it was entirely gratuitous on their part. But to proceed to the question before the House: he confessed, so far as the resolution was concerned, the true and proper course, in his judgment, would be to adopt the amendment he had submitted. He differed from the gentleman from Maryland as to the manner in which this committee should be appointed, and as to what committee the matter should be referred to. In his opinion, the true course of policy was, that a select committee should be appointed by the Chair; and he again repeated that, if the committee was to effect any practical good, it should be so constituted as to have the confidence of the people of the country. The gentleman from Tennessee had opposed the appointment of political partisans on the committee, and had intimated that he (Mr. G.) had used some expressions of a similar nature. This, however, was not the proper inference to draw from his remarks. He was as much opposed to having political partisans on the committee as the gentleman himself, but he desired to have it so constituted as to embrace men of some weight of character, and to be composed of men who would do justice to all the interests concerned. He wished to see the rights of all the officers who were engaged in that service protected, and the investigation to be conducted in such manner as to be of some practical benefit; and with this view he had submitted the amendment now under consideratton.

Sir, (said Mr. G.,) the situation in which I stand to the ex-President of the United States, will not permit me to pass over in silence the bitter denunciations which have been uttered against him on this floor by gentlemen of the opposition. My attachment for him was formed at an early period of my life, under peculiar circumstances, and the most trying scenes, and it gives me pleasure to say that there are but few acts of his whole life, either civil or military, which has not served to increase rather than to diminish that attachment. But to what source shall I trace this violent opposition to him; the bitter invectives which have been heaped upon him, emanating from the most bitter feelings? Sir, to his hostility to the Bank of the United States; to the veto which he stamped upon the bill rechartering that institution in 1832; because he had the moral courage to effect that which his friends in this House failed to effect; because he threw himself in the breach, and armed with the virtue and integrity of the people, and sustained by the constitution, grappled with the monster, and triumphantly overthrew it. This, sir, "is the head and front of all his offending," and to this cause alone may be traced the vindictive feeling of his adversaries. But, sir, we hail that act as the greatest in his political career; one that has covered him with glory, and one that will serve to perpetuate his name and his memory, even if unconnected with any other act of his life. Sir, the character of Andrew Jackson is the property of his country; his services are too well known to that country not to be appreciated; they have secured to him the affections of the people, which the combinations of his enemies can never deprive him of.

Permit me (said Mr. G.) here to state, that he was in hopes he would not have found it necessary to vindicate the character of one needing no vindication; but my feelings, under the circumstances, could not and cannot be

controlled. I listened with pain and regret to the uncalled for and unqualified abuse of him. "I heard much declamation without argument," and the foulest charges without proof, and especially by one from whom it was but little expected. I mean the gentleman from Massachusetts, [Mr. Cushing,] who spoke in relation to the Florida war, and who pronounced that war as one of the damning sins of the Government, and a foul blot on the American character; this, too, before an investigation was had, thereby prejudging the case, and charging it home upon General Jackson. Better things were expected from that quarter. For my part, I have always listened to him with the greatest pleasure. His arguments have generally been respectful and able, and free from personal abuse; but, in the present case, he has wandered from his usual course, and I envy him not the position he occupied on that occasion. Many others have been lavish of their abuse of the ex-President and of his measures; but I shall not stop specially to reply to them. I feel no disposition to do so, as it will be an unnecessary consumption of the time of this House, but must invoke the pardon of the House for making a general fire at the whole flock, and tell them that the numerous squibs they have fired will have about as much effect upon the character of Andrew Jackson before the people of this nation, as the firing of pop-guns would have upon the rigging of the splendid Pennsylvania.

Sir, (said Mr. G.,) that venerable patriot never expected, and never asked, forgiveness at the hands of his enemies. He knew he had incurred their eternal displeasure. He never expected quarters from those whose pride and pleasure had been to embitter his declining years, whose objects were to thwart the views of his administration in every prominent measure, to triumph in the misfortunes of their Government, to rejoice in the distresses of the people, and to prevent, as far as possible, the relief of those distresses, with a view to the overthrow of the administration, and to ride themselves into power in the midst of those distresses. In conclusion, sir, and as the time advances when it is expected he will make his final exit "to that bourn from whence no traveller returns," and as the time approaches when we may expect to hear "that he has slept the sleep of death," and closed his earthly career, I wish to be permitted to say to those influenced by such feelings, and controlled by such motives, looking as he does to his country's good, he has never been inclined to hold communion with, or extend to them the hand of fellowship.

Mr. CAMBRELENG here called for the orders of the day.

Mr. ADAMS asked the gentleman from New York to postpone that call for the present, at the same time intimating his wish to speak on the resolution before the House. [Cries of "Go on! go on!" from all quarters.]

Mr. CAMBRELENG refused to withdraw the call for the orders of the day, as the morning hour had more than elapsed.

The call for the orders was not sustained, (the vote being 92 to 84,) and

Mr. ADAMS resumed the floor and said: I tender to the House my thanks for their indulgence in permitting me to address them, and I promise not to abuse their kindness by trespassing long upon their time.

Mr. Speaker, referring to the elegant classical allusion of the gentleman from Maryland, [Mr. Howard,] who proposes to refer this investigation to the Military Committee, I hail with joy this reappearance of the sweet fountain Arethusa. But I must say, with the Roman poet,

"Sic tibi, cum fluctus, subterlabere Sicanos
"Doris amara suam, non intermisceat undam."

Let not the bitter waters of the Doris be mingled with the mellifluous stream of Arethusa—and the *Doris*, in this case, I must frankly admit is—*the Military Committee*.

Sir, how is that committee constituted? The gentleman from Virginia, the mover of this resolution has told the House in one point of view there are on this committee eight friends of power—an honorable denomination which I take from the gentleman from Virginia, who told the House the other day that he first came to this House, himself one of that number—eight friends of power, and one friend to —— what shall I say? friend to his country? No! That would imply that the others are not friends to their country, which I am bound not to believe; shall I say friend to liberty? No! for the same reason—I suppose them all friends to liberty—well, I will say, a friend of his country, who is not the friend of power. This, sir, is the objection of the gentleman from Virginia, in my judgment a very valid objection. But I have the same objection, in another point of view deeply interesting to my own immediate constituents. How is that committee constituted with reference to the different sections of the country? There are eight gentlemen upon that committee from regions south and west of the Potomac, and but one member alone from Maine to Virginia; eleven States; and that is my honorable friend [Mr. Kemble] from New York, who is as worthy as any individual gentleman can possibly be of such a position on that committee. He, alone, represents thereon his own "empire State," as well as all the New England States, and those of New Jersey, Pennsylvania, Delaware, and Maryland.

Why, Mr. Adams would ask, was the Military Committee thus constituted? Why are not the different sections of the country represented in that committee? Have they no interest in the subjects which are the peculiar topics of inquiry and action there? Upon what principle are committees of this House constituted? Mr. A. said his constituents had certainly a deep interest in those topics. A vast amount of their money had been expended on the recommendation of that committee. Now, the gentleman from Maryland [Mr. Howard] had urged the reference of this resolution to that committee, and he (Mr. A.) was giving his reasons why that reference should not be made.

And this was a good argument, too, he contended, against the use of the ordinary mode of appointing committees in this House, in the present case. He alluded to the observation of Mr. Wise, who had said that the Speaker of the House could not be impartial in appointing such committees. They must all have a preponderance of the "friends of power." He had some experience of the truth of this remark for some sessions past; and with reference, too, to these very matters. And he called the attention of the House to what had taken place there not quite two years ago. He showed from the journal that, on the 15th January, 1836, Mr. Bell, chairman of the Committee on Indian Affairs, moved for a similar inquiry with that proposed by the resolution under consideration, with power to the committee to send for persons and papers. The resolution was agreed to. It gave the committee power to investigate this very same subject, because the Florida campaigns were legitimate and proper matters of inquiry, in all their details, by the Committee on Indian Affairs. What followed? And here Mr. Adams read again from the journal, and showed that, on the 1st of July, 1836, Mr. Bell, from the Committee on Indian Affairs, reported a resolution to the effect that that committee have power to sit in the recess, for the purpose of completing the investigation. What were the proceedings of the House on this resolution? First, there was a motion to lay it on the table. This did not succeed. Then the previous question was moved, and not sustained. Afterwards that motion was renewed, and on the main question (upon the resolution) being put to the House, the vote was 87 to 87. The Speaker voted in the negative, and the resolution was sent to "the tomb of the Capulets!"

Then there was a memorial presented here by Mr. Lewis, of Alabama, complaining of certain alleged abuses in the

management of these wars. That gentleman proposed its reference to the Committee on Indian Affairs, with power to sit in the recess, and to authorize three or four of their number to act upon it. What then? A member from Louisiana, not now in his place, [Mr. RIPLEY,] moved to refer the memorial to the President of the United States. No sooner said than done! And now, sir, asked Mr. A., has any gentleman of this House ever heard from the President of the United States, from that day to this, a single word in relation to the matter? a single word, as to the investigation of frauds, alleged by citizens of the United States, in a memorial to their representatives? frauds and abuses in the carrying on of campaigns costing so many millions of money? He paused for a reply. Had the chairman of the Committee of Ways and Means heard any thing from the quarter to which it had been referred, upon that subject? Had the Speaker of the House done so? Had there ever been a message from the Executive sent to this House on the subject? He heard no answer to these inquiries; and he was warranted in saying that there had been nothing, nothing whatever, done upon the matter. And with these examples before him, with the uniform course of action on the part of the Speaker, in similar cases, before him, how could he be in favor of the ordinary mode of appointing committees of that House? It was mockery to refer such subjects to such committees. He much preferred the election of the proposed committee by ballot, for these reasons.

Now, Mr. ADAMS admitted it is in the power of the majority of the House to put a majority of the "friends of power" upon a committee thus chosen. And it was possible that the majority would even fill the committee with nine "friends of power," instead of eight, and one who was not; while, if the Speaker were to appoint it, he might, at all events, place one, perhaps two; and, in an extreme and unusual moment of liberality, might even place three friends to the investigation on the committee. In making these allusions to the Speaker, Mr. A. said it was his intention to be perfectly respectful as a member of the House.

Mr. A. further contended that, in the appointment of committees of investigation, the same parliamentary rule which regulates the appointment of standing and ordinary committees does not apply. And he referred to the constant usage of the British Parliament, in which it was universally the practice to place on committees of inquiry a majority of members in favor of the proposed investigation. It was certainly a mockery of common sense that it should be otherwise.

Mr. ADAMS went into an examination of the reason why investigating committees hitherto appointed by this House had never discharged the duties assigned them. He referred to the liberal mode of proceeding in these committees. When any specific point was to be inquired into, the question was always forbidden to be put by the majority, and the investigation was smothered, upon the ground that there should be "specific charges," before the action of the committee should be proper! "Specific charges!" and here, this morning, a gentleman read to us letters from good authority containing such charges; and now what are we told? That that is prejudging the cases to be investigated! And this is the two-edged sword, of too much specification on the one side, and none at all on the other, which is wielded against the friends of investigation!

Mr. A. concluded by again hoping that the proposed committee would be appointed by ballot; and that that committee might not be the Committee on Military Affairs, the majority of whom the chairman of the Committee of Ways and Means is in the habit of calling on so successfully to "toe the mark!"

Mr. CAMBRELENG called for the orders of the day.

## TREASURY NOTE BILL.

The House then resumed the consideration of the "bill to authorize the issuing of Treasury notes," as reported from the Committee of the Whole on the state of the Union.

The question pending was on agreeing to the amendment of Mr. UNDERWOOD, as modified by the amendment of Mr. PATTON.

Mr. BOND addressed the House in support of the amendment, and in opposition to the bill.

Mr. McKIM denied that the sale of the United States Bank bonds would bring an immediate supply of money into the Treasury; for, in the first place, there must, at least, be a delay of four or five months expended in the negotiation, at a probable loss too of from four to six per cent., and then the Government would be likely to get in return only bank notes. He was not unfriendly towards any banks; but it should be borne in mind that the Secretary of the Treasury could not pay out bank notes; they would be useless to the Treasury.

Another consideration was, that the bonds given by the bank were for two millions each, an amount that would be inconvenient to negotiate in London, and how did they know that the bank would consent to divide them up into bonds of a smaller size, say for a thousand dollars each? He apprehended that it would not only interfere with the arrangements of the bank, both here and in London, but that it would be found to be against their interest to do so.

Again, in point of economy, there would be saving by the issue of Treasury notes. How? Why, the United States Bank bonds bore an interest of six per cent., whereas the Treasury notes would not probably bear a higher rate than three or four, or, at the most, five per cent. The saving would be the difference between those two rates of interest on several millions of dollars—no slight consideration.

Again, there would be a probable loss on the sale of the bonds from their par value, of from five to six per cent.; for, by the latest advices from the English money market, United States Bank bonds were at 94 or 95 there. This, too, was independent of the exchange, whatever it might be, and the commission or expenses of negotiation.

Another objection he had to the amendment was, that it would be disreputable to the character and credit of the Government to be selling its securities in the market. The same objection would also apply on the part of the bank itself; for she, no more than merchants, would like to see her liabilities hawked for sale. Moreover, the United States would have to endorse the bonds before they could be negotiated at all; and he was indisposed to place the Government in so disreputable a position.

Now, what would be the effect of the Treasury notes? Why, they would be equal to so much gold and silver thrown out among the community, for they would, when out, be received by the Government, in payment of dues, as gold and silver, and the creditors of the Government would gladly take them as such, as they could readily pass them as such, because they would be sought after by the importing merchant to pay his bonds. Moreover, the Secretary of the Treasury would not attempt to issue more than were applied for. It was then, in effect, putting so much gold and silver into circulation the moment the bill passed.

Mr. BOND inquired if he was to understand the gentleman to say that paper could be made equal to gold and silver.

Mr. McKIM. Certainly not. He meant only to convey the idea that the Treasury notes would answer in the place of gold and silver, being receivable for the dues of the Government, and its claimants being glad to get hold of them. After a few further remarks of the same tenor, Mr. McK. concluded by hoping the House would pass the bill

in its original form as it came from the Committee of the Whole; for he considered the amendment would be destructive to the business of the Treasury, which was in immediate want of the means for carrying on the Government, and which it could not procure under the operation tion of the amendment.

Mr. CUSHING addressed the House at length in opposition to the bill; and after a few words from Mr. BELL and Mr. McKIM, the hour having arrived, the House took its usual recess till 4 o'clock.

EVENING SESSION.

The House resumed the consideration of the bill reported from the Committee of the Whole on the state of the Union, "to authorize the issuing of Treasury notes."

The question being on the following amendment, moved on Thursday by Mr. UNDERWOOD, viz:

"That the Secretary of the Treasury be authorized to sell and transfer to the purchaser or purchasers the bonds or evidences of debt executed by the president, directors, and company of the Bank of the United States of Pennsylvania, for and in consideration of the stock held by the United States in the late Bank of the United States, and to apply the money arising from such sale and transfer in payment of any demands upon the Treasury: *Provided, however*, That no sale and transfer of said bonds or evidences of debt shall be made for a less sum than the nominal amount of said bonds or evidences of debt, exclusive of interest."

Mr. CAMBRELENG stated that upon this amendment depended the fate of this bill; because, if it should be adopted, the Treasury of the United States would be in the power of the Bank of the United States. He should therefore ask for a full attendance of the House, and should move for a call, [the House was still thin,] unless some gentleman wished to address the House.

Mr. HOPKINS, for one, was inclined to vote for the amendment. He could not see how its adoption would place the Government in the power of the United States Bank. The object in selling them was to command an amount of gold and silver to meet the wants of the Treasury; and admitting the bank would become the purchaser, so much specie would be drawn from its vaults, and he did not see how Government could be injured by having a debt thus paid in advance.

Mr. CAMBRELENG wished to state that he had not said the United States Bank would be the direct purchaser, but that the bonds would be bought up by the agents of the bank.

Mr. HOPKINS then addressed the Chair as follows:

Mr. Speaker: I have not risen, sir, to take part in this already protracted debate, but to reply very briefly to the extraordinary declaration this moment uttered by the chairman of the Committee of Ways and Means, [Mr. CAMBRELENG.] He said, sir, "that upon this amendment depended the fate of the bill; because, if it should be adopted, the Treasury of the United States would be in the power of the Bank of the United States." For one, sir, I was favorably inclined to the amendment offered by the gentleman from Kentucky, [Mr. UNDERWOOD;] but if the chairman of the Committee of Ways and Means can convince me of the truth of his remark, I will most cheerfully relinquish my determination to support the amendment. But, Mr. Speaker, I must beg leave to say that such cannot in my judgment be the operation of the amendment under consideration. Nor do I believe that any unprejudiced mind in this Hall can come to such a conclusion. What does the bill propose, sir? To authorize the Secretary of the Treasury to issue Treasury notes to the amount of ten millions of dollars, for the redemption of which the faith of the United States is solemnly pledged. And why is this measure proposed, but to supply the Treasury with the means of meeting the various demands upon it? Well, sir, what does the amendment which has thus been denounced propose? Nothing more than to authorize the Secretary of the Treasury to negotiate a sale of the bonds held by the Government upon the Pennsylvania Bank of the United States, provided they can be sold for the nominal amount of them, and apply the funds thus obtained to the uses of the Treasury. If, then, this object, the first contemplated by the amendment, can thus be attained by the use of means belonging to the Government, why, I ask, sir, shall we not adopt it? Why hold up these bonds, if we can convert them without loss into available funds? Sir, it will be difficult to furnish any one good reason against the adoption of the amendment, if in other respects it be free from the objections urged against it, and which I will now briefly notice. It is contended, sir, that the amounts of the bonds in question are so large as to exclude from competition individual or private capitalists; and hence they will be purchased in Chestnut or Wall street by the agents of the bank. I am willing, for the sake of argument, to admit that such may be the case, but still I deny the truth of the declaration that the Government will thereby be placed under the control of the "defunct monster," which so constantly haunts the imagination of the chairman of the Committee of Ways and Means. Nor can the Government lose a dollar by thus throwing into the market a fund unsuited to the investment of private capital, and which it cannot divide to suit the means and capacities of purchasers, because the same amendment contains another provision which puts this argument to rest, by expressly prohibiting the Secretary from selling the bonds for any thing less than the nominal amount of them. Let us, then, suppose that the bonds are purchased by the agents of the banks upon the terms proposed in the amendment, and what is the necessary and inevitable result? Why, sir, according to my understanding, so far from placing the Government under the control of the bank, we should realize in advance the payment of a debt due in one, two, and three years, and that, too, in the gold and silver of the frightful monster itself.

Mr. Speaker, I have always entertained great respect for the opinions of the chairman of the Committee of Ways and Means, [Mr. CAMBRELENG,] but upon this subject I must be permitted to think that he is under a strange and most palpable delusion. Sir, can it be that I mistake the true operation of this amendment? Can it be that the withdrawal of six millions and a half of specie from the vaults of the bank, and transferring it to the Treasury, will increase the dependence of the latter, or the power of the former? No, sir, the proposition is absurd in the extreme, and I cannot and will not assent to it.

But another objection has been made to the amendment, to which, whilst I am up, I will reply. It is apprehended that these bonds, with the endorsement of the Government, might find their way to Europe, and thus increase the foreign balance against us. I am willing, again, for the sake of the argument, to admit the truth of this objection; but I beg those who give to it any consideration, to bear in mind that, under the amendment, we must receive for the bonds their nominal amount in available funds, and whether we receive it from our own capitalists or those abroad, we shall be upon safe ground, so long as we receive in return the same amount in gold and silver. But gentlemen forget to remember that this objection applies with equal force to the bill, without the amendment, because your Treasury notes, issued by the authority and upon the faith of this Government, will be just as likely to cross the great waters, and increase the foreign balance against us, as the bonds which we propose to sell, with this difference in favor of the amendment, that the bill without it may increase that balance against the Government, whilst the amendment would only increase the balance against the "the monster."

Mr. Speaker, I prefer the amendment for another reason. I regard these bonds as a legitimate fund belonging to the Government, and am willing to make them available if I can to the Treasury, rather than saddle the nation with another public debt, as we must do, by the passage of the bill upon your table. Much, however, as I deplore that evil, I would, if no other alternative was at hand, adopt it to save the Treasury of the nation from bankruptcy. But, by adopting the amendment, you supply the wants of your Government, and, at the same time, avoid the necessity of creating a debt, which must be paid under your unjust and unequal system of taxation. And why, Mr. Speaker, permit me to ask, should we reject the amendment, if the only object be to replenish an exhausted Treasury with a hard-money constitutional currency? Sir, I confess that the strong repugnance manifested from a certain quarter, for every proposition to replenish the Treasury save one, and the pertinacity with which that one is supported, has awakened my suspicion as to the true character and object of the measure. If we propose to sell our bank debt, it is objected to, although warmly recommended by General Jackson in 1834, in whose footsteps gentlemen were once wont to tread. If we propose to authorize the Secretary to borrow money upon the faith of the Government, the measure is objected to. If it is proposed to prohibit the Secretary of the Treasury, and subordinate disbursing officers of the Government, from circulating their notes in payment of public dues, whilst they have on hand and in their custody gold and silver sufficient for the purpose, that measure, too, is objected to. And I repeat, sir, with none other than feelings of profound regret, that the discussion which has taken place upon these several amendments has excited my suspicion, and I now declare it.

I have heard, sir, in the progress of this debate, sentiments advanced upon this floor, by some of my political friends, against which I must enter my most solemn protest. An honorable and esteemed colleague of mine upon my left [Mr. Rives] took occasion yesterday to propose an amendment to this bill, the object of which seemed to be to facilitate the circulation of the Treasury notes as a paper currency. He is reported to have said that, "while they (Treasury notes) met and relieved the wants of the Government, they would equally meet the great wants of the people by giving them a uniform circulating medium." And again he is reported to have said that "these notes (Treasury) would at once reduce the balance of exchange with England; and this would operate to prevent their depreciation. Treasury notes, he says, would circulate better without bearing interest than with a low rate of interest, and were th eamount $40,000,000, instead of $10,000,000, it would be a safe and salutary measure, and the very best thing Congress could do." Now, sir, these are sentiments which I was not prepared to expect, and to which I can never subscribe. Sir, at the time that these remarks were made by my colleague, in favor of his amendment, I was gratified to believe that the chairman of the Committee of Ways and Means dissented from them. But that gentleman has since assumed grounds in debate, which satisfies my mind that he too looks to and advocates this bill as something more than a means of furnishing an embarrassed Treasury with hard money to meet the demands upon it. Mr. Speaker, I pray gentlemen to pause, and review the sentiments they have avowed. I implore them to pause before they give their consent to a measure fraught with consequences so dangerous as the emission of a Treasury paper currency, based upon the public faith, and controlled by the will of one man, already clothed with extraordinary powers. Our present Executive may be honest and trustworthy. I hope and sincerely believe he is—but even to him, sir, I will not consent to surrender a power of such a fearful character. But, sir, it is not the part of prudence, or a wise forecast, to legislate in reference alone to the present incumbent of the Executive chair; but we should look to the future with a jealous eye, and guard with care and circumspection the liberties of the people from the grasp of unhallowed ambition. I will not stop now to dilate upon the evils, or dwell upon the ruinous consequences, which must follow the establishment of a system which, once matured, will, in my humble judgment, be far more dangerous to the institutions of our country and to the liberties of the people, than that "defunct monster," whose ghost seems to be constantly flitting before the affrighted imaginations of gentlemen here who support this measure, which I fear is the precursor of a system of Government paper currency, which, in the list of "monsters," might well be called "legion."

The amendment, however, does not propose a sale of the bank bonds, as the only means of relief to the Treasury, but goes further, and in the event that this measure shall fail, then the Secretary of the Treasury is authorized to borrow an amount of money upon the faith of the Government equal to the nominal value of the bonds. And, sir, the honorable mover of the amendment has signified his willingness so to modify the second section of his amendment as to leave it to the House to say what sum may thus be borrowed for the use of the Treasury; and still it is objected to, not because it will not meet the emergencies of the Treasury, but because it supersedes the issue of ten millions of inconvertible Treasury paper currency, which the Government cannot, and will not, redeem upon presentation.

Mr. Speaker, I am in principle a hard-money man, and I have the satisfaction to believe that the patriotic people whom I have the distinguished honor to represent upon this floor prefer the constitutional currency of our fathers to any paper money, your Treasury notes included. But, whilst I say this, I desire that it shall be distinctly understood that I am not to be enlisted in the contemplated crusade against the existing institutions of Virginia and her sister States, to accomplish the narrow object of supplying the Government alone with the constitutional currency; and I now admonish gentlemen that, until they propose a measure broad and comprehensive enough to separate the great body of the people from the banks, I will not co-operate with them in giving effect to a partial restricted measure, which furnishes a hard-money currency only to them, who, in the better days of our republic, were regarded as the mere servants of the people, and considered amenable to them. Now, sir, I am not the man to advocate here, in my representative capacity, any measure which will provide gold and silver for myself, and other functionaries of the Government, whilst the people are left to endure all the evils of a depreciated paper money.

But I have another objection to the details of this measure, growing out of the palpable injustice which must result, from the denominations of these Treasury notes, to the poorer classes of the community. If, sir, as is now too obvious for the most incredulous to doubt, these notes are to circulate and perform all the functions of a paper currency, they cannot reach the pocket of the poor man, but must serve alone the purpose of the wealthy, who alone can command the benefit of a currency in denominations of one hundred dollars. Another effect of this measure, I fear, will be to cripple still more the State banks, now rapidly recovering from the shock by which the whole monetary system of the community has been so recently convulsed to its centre; and, whilst it may relieve the Government, may at the same time embarrass still more the great body of the people.

But, Mr. Speaker, in every aspect of this question, looking to it not as a party question, but one purely financial, my mind still inclines me to the amendment, as the most safe, wise, and salutary, and certainly most compatible with the constitution. Sir, there is another feature in the

amendment which commands my approbation, and it is this: it proposes a plain, direct, and unequivocal mode of accomplishing the very object which gentlemen profess to have in view—the relief of the Treasury. And, for one, I prefer, sir, to plant myself upon that plain provision of the constitution which authorizes Congress "to borrow money upon the faith of the United States," and thus to meet and provide for the exigencies of the Treasury, rather than adopt the measure proposed by the Committee of Ways and Means, which, if not of doubtful legality, is in every way exceptionable in policy. But, Mr. Speaker, I fear that this Treasury currency is relied upon to give life and vigor to the new scheme, now for the first time recommended, of separating the Government from the banks, whilst the people are left to struggle with all the evils of a paper currency. If so, sir, I, for one, shall hesitate, as one of the administration party, before I can take to my embrace a bantling which, I fear, is the mere precursor of a bank and a paper currency far more formidable and dangerous than any to be found in the history of this country. Sir, I am opposed to that indirect, ambiguous, and equivocal system of legislation which characterizes the measure under consideration, as calculated to destroy that check upon our conduct here which will ever result from an effective and practical responsibility to our constituents; and hence, in my poor judgment, we should always provide by an actual appropriation for every loan which we authorize, and which is not done in the bill upon your table. I know, sir, that in these times such sentiments are likely to be regarded as old fashioned or radical; but the time will come, must come, when they will be appreciated. That system of indirect legislation, which seeks to avoid a just and full responsibility to the people, may be submitted to for a time, but will in the end receive its merited condemnation by an abused and indignant community of intelligent freemen.

I am not, I hope, sir, mistaken or misunderstood upon this subject. I am willing to extend to the Treasury immediate and ample relief, by any means compatible with the constitution and my convictions of public duty; nor will I be drawn from this determination by any doubt which may be entertained as to the real amount necessary, nor by the asperities of party intolerance, the prominent bane of our deliberations and councils here. Yes, sir, I am willing, and stand ready, to vote any sum, in the bounds of reason, which the Secretary of the Treasury may consider necessary to meet the most liberal wants of the Government; and if he asks more than is necessary, I leave him to his just responsibility to the country.

Sir, I am opposed to this measure, not as one of financial relief, but one for the emission of ten millions of paper currency, obnoxious, as I conceive it to be, to all the objections of an executive bank, based not upon the means of immediate convertibility, but upon the plighted faith of the nation, which I maintain can be pledged only for a loan. In my humble judgment, sir, this project is fraught with mischief; and I look to it with the deepest distrust and alarm. Admonished as I am, by a short experience in the practical administration of this Government, that its tendency is to enlarge its powers by gradual and imperceptible innovations upon the rights of the States and of the people, I look to the future with all the forebodings of one fully impressed with the solemn conviction that, if not resisted, and successfully resisted, at the threshold, it will end in consoldidation, and consolidation in the overthrow of our institutions and the downfall of our liberties.

Sir, it has been well remarked, in the progress of this debate, that money is power; than which none is more mercenary in its inflictions, or more difficult to resist. It connects itself with every class, and every interest, and addresses itself to every passion of human nature, and constitutes, in the hands of ambition, the most potent engine for mischief and oppression. Pardon me then, sir, in view of the extraordinary powers already vested in the Executive, if I pause when asked to go another step—to arm that branch of the Federal Government with a power to convert the public faith into a banking capital for the emission of an inconvertible paper medium, subject to no other law than the uncontrolled will of one man!

In conclusion, Mr. Speaker, I beg leave to repeat my most perfect willingness and anxiety to replenish, by any lawful means, the national Treasury. I prefer first to apply the means already on hand, as contemplated in the amendment offered by the honorable gentleman from Kentucky, [Mr. UNDERWOOD.] If that proposition shall fail, then I shall prefer a direct loan, to be redeemed by the bank debt, when it shall be received by the Government; and I would set it apart by law for that specific purpose. If that proposition be also negatived, and the House determine to authorize the proposed emission of Treasury notes, then I shall be in favor of these notes bearing interest, under the hope that their *circulation*, as a *currency*, may in that way be prevented, and the Government compelled to convert them into money. If these several propositions be rejected, I shall find myself placed in a situation of extreme solicitude, anxious to extend relief to the Treasury by any and every mode sanctioned by the constitution and the long-established usage of the Government, but compelled to withhold relief, only because an unrelenting majority in this House will have no other measure of relief, than one which I am constrained to regard as dangerous to the stability of our free institutions, and subversive of the liberty and prosperity of the people.

Mr. Speaker, I will not detain the House longer by the expression of any apprehensions of my own, as to the objects of this measure, or the danger of its ripening into a permanent system. I feel as sensibly as any man can do, the magnitude of the consequences which such a system cannot fail to produce. I hope, sir, most devoutly, that my fears may never be realized; but I should be unfaithful to my constituents and my country, if I did not declare, fearlessly, that I look to the present measure as laying the foundation of a system which, if ever established, must end in revolution or despotism.

I will not detain the House either, sir, by inquiring into the causes of our pecuniary embarrassment. I am content to leave that to others, who deem it a fit subject for present discussion. I will act the humbler part in this emergency, of one who might chance to see the Treasury on fire, that would not stop to inquire into the cause or manner of the conflagration, but aid in the immediate extinguishment of the flame. I will say, however, that, great as the real distress may be, I am satisfied it has been greatly magnified; I am, nevertheless, ready and willing to afford any relief, within the power of Congress, to all classes and to every interest in our common country. I am one of those, sir, who look more to the energies of the people, and resources of the country, for permanent and substantial relief than to any measure which we can devise.

Excuse me, sir, for this day declaring in my place, that my sympathies do not incline me so much to minister to the insatiable appetites of federal officeholders, as to the amelioration of the condition of the great body of the people, upon whose honest contributions we all depend. And let me now say to my political associates, that no party considerations shall ever enlist my humble aid in the co-operation of a measure which looks only to the advancement of the few, to the injury and oppression of the many. There are, sir, occasions fit and proper, in my judgment, for the exercise of party preference and party feelings, but these occasions are always secondary, and ought to be made subordinate to the higher considerations of the country and the furtherance of sound political principles, which constitute the only ligament which ought to connect and unite us in our party associations.

Mr. Speaker, I am deeply impressed with feelings of gratitude to the House for its kind indulgence, and still more for the patient attention with which my very desultory remarks upon this occasion have been heard. And whilst for this manifestation of the kindness of the House, I return the humble tribute of my most profound acknowledgement, I am not vain enough to take as a compliment to myself what I am sure has been alone due to the importance and magnitude of the subject under consideration.

Mr. WISE eulogized his colleague on the course he had just taken. He was glad to find displayed so honorable and independent an opposition to the bill. Mr. W. then read several extracts from President Jackson's messages of 1834 and 1835, to show that the sales of Government stock in the United States Bank had been recommended by the President at those periods.

Mr. UNDERWOOD said, in consequence of what had fallen from other members in the course of the debate upon his amendment, he desired to make a few explanatory remarks. The gentleman across the way [Mr. PATTON] expressed great surprise at the quarter in which the amendment originated; while the member to my left [Mr. CAMBRELENG] is astonished that the gentleman from Virginia should have felt any surprise, since the amendment had been proposed by a known friend of the bank. It may be inferred from these statements that I have been actuated by some sinister motive; that I have designed to promote the interest of the bank at the expense of that of the country. [Mr. CAMBRELENG disclaimed any intention to impute an unworthy motive to Mr. U., who continued.] I have never (said Mr. U.) been connected with the late Bank of the United States, or the present bank of that name, in any manner which could bias my judgment. I have never owned one dollar of stock in either. I have never borrowed one cent from either bank on my own account. I have been compelled to pay considerable sums to the late bank, as surety; and, with that exception, have had no transactions with these banks. At this time I am not the debtor of the bank in any way. I know, sir, that I am wholly uninfluenced in offering the amendment by partiality or hatred to the bank.

My amendment is based upon a very obvious principle. If I owe money and have it not, I am bound by law and morals to get it. If a neighbor owes me, or I have his bond not yet due, I may and ought to raise the money upon the debt thus owing to me, if I have no better means. If I can sell my neighbor's bond, without sacrifice, to pay my debts, who can or will blame me? I do not injure him, and I benefit myself. Now, sir, apply the case. The Government wants money; it holds bonds on the bank; it owes debts and must pay them; my amendment proposes to sell the bonds without sacrifice, and apply the proceeds in discharge of what the Government owes. I prefer this to the creation of a national debt, by issuing Treasury notes or by borrowing money; but, to guard against the possibility of failing to sell the bonds for their nominal amount, I provide, in case the bonds cannot be sold, that the Secretary may borrow six and a half millions. I consider it my duty to grant all the facilities necessary to maintain the credit of the Government, and to give vigor and health to its operations, and I never will be influenced by a spirit of factious opposition to any administration.

I have accepted the amendment proposed by the gentleman from Virginia, [Mr. PATTON,] because it can do no harm, and it may afford some additional facilities to the Secretary of the Treasury. He now draws checks or drafts on the deposite banks, knowing at the time they will not be paid. If the creditors of Government will accept such drafts hereafter, let them do it. Perhaps the banks may pay some, and if they will not, then let those drafts be received in payment for duties, taxes, or public land. This practice cannot make things worse. It may relieve, to some extent; and I therefore accepted the gentleman's amendment as a modification of my own.

Some gentlemen have supposed that the limitation which my amendment contemplates, in regard to the amount to be borrowed, is objectionable. They apprehend that six and a half millions is too small a sum. I am satisfied that it is amply sufficient. But, out of deference to the opinion of others, I will defer offering that part of the amendment until the House has decided on the first part of my proposition. If the first part be accepted, I will then offer the second, leaving the amount blank, so that the House may fill it at its discretion.

In these amendments I have had no intention to embarrass the Government. I have been actuated by a sincere desire to support, instead of pulling down. And I cannot help wishing most ardently that the scheme I have presented may find favor with a majority of the House. I shall feel happy, very happy, if my offered substitute is accepted in lieu of the bill—a bill which lays the foundation for a Government bank and paper money, subject to the control of the President of the United States. Sir, if the day ever comes when the Executive of this nation shall control at his will and pleasure a Government bank, with millions of money, through such agents as he may choose to employ, removable at his pleasure, lending it out in such sums and to such persons as he pleases, that day will be signalized, in the annals of time, for the overthrow of American liberty!

I did not rise to make an argument or to go at large into the discussion. The whole subject has been ably debated by others, and by none more so than the gentleman to my right, [Mr. HOPKINS,] a son of the Old Dominion—a native of the same county where I drew my first breath; and whose speech and nativity combined have produced in my bosom very fraternal feelings towards him. I am anxious that my amendment may be tested by the vote of the House without further delay.

Mr. HAYNES replied to Mr. WISE that the sale of the bank stock severed all connexion of the Government with the bank as a partnership concern; but that was no reason Government ought not still to hold the bonds of that institution taken in payment for the stock.

Mr. WISE said that these bonds were a mere liquidation of the account of value of the stock; and, while the Government held them, the connexion still continued as though it held the stock.

Mr. McKAY would have no objection to the sale of these bonds, if it could be done fairly, for their full value; but this would take time, and the Treasury must have immediate relief. He denied that the bill was deceptive; every man, on reading it, must perceive it was a bill for a loan; what else was it?

Mr. ROBERTSON rose and said, if the administration had no other object in view than to raise a sufficiency of money to meet the real wants of the Treasury, he was at a loss to comprehend the cause of these persevering efforts to raise it by the issue of Treasury notes. The amendment of the gentleman from Kentucky, [Mr. UNDERWOOD,] as modified, proposed to give the right to dispose of the debt of about six millions due from the Bank of the United States; and that of his colleague, [Mr. PATTON,] if he understood it, to superadd the power of drawing upon the State banks, which held ten or twelve millions of public money. If these resources should prove insufficient, authority might be conferred to borrow whatever sum might be necessary to make up the deficiency. But none of these obvious and ordinary methods of replenishing the Treasury will now answer the purpose. Nothing will do but to resort to the extraordinary and dangerous resource of an issue of Treasury notes. In times of great difficulty, when engaged in war with one of the most powerful nations of Europe, we were compelled, from sheer

necessity, to adopt that method of raising supplies. During the Revolutionary war we had issued upwards of three hundred millions in bills of credit, and at its close these bills were so depreciated that they were funded at 100 for 1. Such were the evils attending the system, that the framers of the constitution, to guard against their recurrence, thought it necessary to interdict the States in express terms from emitting bills of credit. I will not, sir, (said Mr. R.,) at this time enter into the question whether the power thus prohibited to the States rightfully belongs to this Government. There is much force, all must admit, in the reference made by the gentleman from Massachusetts [Mr. Cushing] to the journal of the convention, showing that a proposition to clothe this Government with the power was expressly overruled. With those who rely on the same ground, not verified by the journal, but depending on the memory of members of the convention, as an argument against the power to establish a national bank, this reference ought to be conclusive. Certain it is, that the power was not expressly granted, as were those to lay taxes and borrow money; and the rule of interpretation, as given by the constitution itself, is, that the powers not delegated to the United States, nor prohibited to the States, are reserved to the States or to the people. It is obvious that its exercise by the General Government is equally dangerous; indeed, liable to much greater abuse. The States can effect none, to any considerable extent, except those within their respective limits; but we may inundate the Union with a spurious currency; and when the system shall be once commenced, no one can undertake to say where it is to stop. During the late war, immediately after it was declared, Congress again resorted to an issue of Treasury notes—at first upon a moderate scale, only five millions of dollars. But from time to time, other and larger issues were authorized, until, at the end of two or three years, twenty-five millions were authorized at a dash. So it may be again. We begin now, in a period of profound peace—for I will not dignify the Indian hunt in Florida with the name of war—with an issue of ten millions for the service of this remnant of the year. Those who urge the measure may mean in good faith to go no further. But who shall say, when we have once tasted the sweets of the poison, when we have indulged in the practice of raising money by this pernicious process, without incurring responsibility, to what extent it will be carried? What is now proposed as a temporary expedient may become the settled policy of the Government. Sir, I protest against it as a dangerous practice. *Obsta principiis.* Our only safety is in resisting it at the threshold.

Let us for a moment, Mr. Speaker, look to our actual position; and we cannot but be amazed at the point to which we have arrived. But a few months since, the late President congratulated the country on the success of his efforts to restore a sound, constitutional currency. But one short month since, the present President gave his recommendation in favor of a hard-money system, as the only one proper for the Government to tolerate. He seems disposed to reject convertible paper, even during the present difficulty of procuring the precious metals. And now it is gravely proposed to manufacture ten millions of paper money for circulation, not only without a specie basis, but without the pledge of any definite fund for its ultimate redemption. But, sir, strange as this may appear, the scheme is not altogether a novelty. A petition was, during the present session, referred to the committee of which I have the honor to be a member, (Judiciary,) from a Mr. Sargent, of South Carolina, for the establishment—not of a coin mint, for there is one, he says, already—but of what he calls a general print mint at Washington, for the emission of paper money to the amount, perhaps, of two hundred millions of dollars, as a currency for the United States. The money to be manufactured he proposes to call "print," from the first syllable of the word "printing;" as the first syllable of the word "coining" gives the name of "coin." So that the thing may be readily understood. When you receive hard money, you are to say I was paid in coin; when you take paper, I was paid in print. His plan is given in detail, and, as you may suppose, sir, was the subject of merriment, of derision, in the committee room. The committee did not deign to give it a serious consideration. It served only to excite their risible muscles, and to create no very favorable impressions of the state of the petitioner's understanding. Well, sir, to my great surprise, here is the scheme before us—not corresponding in amount, but pretty much the same in principle—gravely proposed by the chairman of the Committee of Ways and Means; the establishment of a manufactory of paper money—a print mint here in Washington. We begin at length to understand what the exclusive friends of a hard-money Government mean by the term. They are to issue bits of stamped or printed paper, and call them—not "print," as Mr. Sargent honestly calls his—but gold and silver. Yes, sir, the gentleman from Maryland, [Mr. McKim,] deeply versed in all moneyed concerns, and who has been so highly complimented for his financial talents, tells us, in so many words, these ten millions of Treasury notes are ten millions of gold and silver. When the gentleman made the remark, he forcibly reminded me of my Lord Peter, in the Tale of a Tub. The anecdote, no doubt, is familiar to all. Beef, it had been said, contained the quintessence of partridge, and quail, and venison, and wild duck; and so, my Lord Peter insisted, did his wheaten loaf. In this conceit, he invited his brethren to dine with him. The repast consisted alone of this wheaten loaf. He asked them if they would eat a bit of the mutton; and, when they assented, cut his loaf, and handed a slice to each. They supposed he was jesting; but, finding him in earnest, they remonstrated, and had the boldness to deny that bread was mutton. Lord Peter argued the point with them for some time; but finally cut the matter short with this unanswerable argument: He said he would affirm it to be as good mutton as any in Leadenhall market; and, if they did not believe it, they deserved to be eternally damned. So, sir, the gentleman from Maryland tells us his Treasury notes, his "print," is gold and silver—nothing less; and all who do not credit it are to be condemned outright as mere infidels and heretics. Sir, it is not gold and silver, nor their equivalent. The Government may as well issue the German silver cents recently coined by the man with the Dutch name, (Feuchtwanger,) and tell us each is a coin of pure gold, of the value of $10,000, as to stamp worthless paper, and tell us it is gold and silver, or of equal value with them. It will depreciate, as it has always depreciated. Indeed, unless I am misinformed, it is destined to commence its circulation considerably below par.

[Mr. Wise here remarked that the fact was as his colleague had stated it. He held the document in his hand that proved it.]

Mr. Robertson. Will my colleague oblige me by reading the proof to which he refers?

[Mr. Wise read from the document a letter to the Secretary of the Treasury from Ward, Prime, and King, relative to the value of Treasury notes in the market. Mr. Cambreleng observed, that was a letter from the gentleman's own friends.]

Mr. Robertson resumed. The gentleman from New York says this offer is from our own friends; yet I am told it is the best that has been made. I have not the honor of being acquainted with these friends of ours, but I am happy to learn we have such, who will give more for the Government paper than the friends of the gentleman and of the administration. This, then, is the true state of the case: our paper is actually dishonored in ad-

vance; and gentlemen who will not lower the dignity of the Government, by selling the bonds due to us, or by borrowing money, are ready to throw our own paper into the market at a discount of six or eight per cent. Sir, I cannot agree to it. These Treasury notes, if really intended for the purpose of raising revenue, are unnecessary. There are other and ample resources at the command of the Government. If designed for circulation, they are both unnecessary and unconstitutional. Why should the Government discredit and reject the currency of the States—that which our State Governments accept in payment of taxes, and which our citizens receive from each other? It would be regarded as oppressive in the State Governments, dishonorable on the part of individuals at this time to exact gold and silver. Why should this paternal Government of the United States not receive what the State Governments receive—what, indeed, our people alone can procure? And what right, permit me to ask, has this Government to create a paper currency? They have a right to coin money, and regulate the value thereof, and of foreign coins; but they have no right to put a stamp upon paper, and call that coining money. The constitution nowhere warrants such a process.

In every aspect, Mr. Speaker, this scheme appears to me substantially the establishment of a Government bank. If the paper be designed as a circulating medium, the Treasury becomes a bank of issue and circulation merely. But the scheme goes further. It authorizes not only the payment of these notes to public creditors, but the borrowing of money upon their credit. What is this in effect but a banking operation? You apply to the Secretary, who is thus authorized to borrow, and propose to lend him half a million or a million of dollars. He is not in immediate want of the money. You offer, for a given sum in Treasury notes, to supply him with one or two hundred thousand dollars monthly, in munitions of war, in rations, or in money, until an amount equal to the value of the notes in the market shall be furnished. There is nothing in the law to prevent such a negotiation.

But how does it differ in substance from a bank loan? In a negotiation with the bank, you give your note, and usually receive the notes of the bank as money. In that supposed with the Secretary of the Treasury, you give your note or agreement, and receive Treasury notes—the notes of the Government—which are to answer all the purposes of money. In form, you are the lender; in effect, the borrower. Call the plan by what name you will, it is a bank in its essential features, or destined, if persisted in, to become one. It is now but in the egg state; and I would crush it in the egg.

I am opposed to it, Mr. Speaker, in every form in which it can be presented; though I shall vote in favor of the amendment of the gentleman from Kentucky. It is not that I doubt the good faith of the Government, or its perfect ability to redeem ten times the amount authorized by the bill. It is because I believe the measure unnecessary, if not unconstitutional. It is because all experience has shown that the power of raising money in this form, evading a direct responsibility, is fraught with mischief. It will be abused, as it has always been abused. I will resort to any and every other usual method of supplying the necessary wants of the Government. I will vote for six millions, or ten millions, if really needed; to be raised by a sale of our claims upon our debtors; by way of loan, or by a tax; but I will vote for no issue of Treasury notes, for no indirect loan, nor for any sum whatever to create a surplus beyond the actual wants of the Treasury.

Mr. LEGARE rose and said: If the House will indulge me, sir, at this late hour, I will make a few remarks upon the subject before it.

I candidly confess I have been all along favorable to the issuing of these (Treasury) notes, without interest, or bearing very small interest—two or three per cent. at the outside—because I thought they would answer, and answer very effectually, the double purpose of relieving the Government, and relieving, in almost an equal degree, the great body of the people. I have no dread at all of such an issue leading to a system of paper money, as has been said here and elsewhere. For one I go for no such system. I do not claim for the Government the right, under the constitution, of furnishing a circulating medium, as such, to the community. But there is no such power involved in the amendment on your table, or in that modification of it to which I have just alluded, and which I greatly prefer. It is one of the simplest and most usual forms of borrowing money, within the very letter of the constitution. That power is vested in Congress without any qualification or reserve whatever, as to the manner in which it shall be exercised. By what authority—with what color of plausibility, can gentlemen pretend to say to us, you may borrow thus, but not thus—this form of loan is legal, that an unheard of and flagrant usurpation? Can it be pretended that the founders of this Government, looking forward to the infinitely diversified exigencies of a society intended to be perpetual, spreading over a country vast, almost beyond description, in extent, exposed to all the vicissitudes of peace and war, of prosperity and distress, deliberately deprived it of a means of raising money, to which it has already been forced, on a memorable occasion, to resort, and which is perfectly familiar in the practice of every Government in the civilized world; and that, too, when the power is conveyed in terms as large and comprehensive as language can be? I say, sir, that this convenient form of loan, which consists chiefly in anticipating to meet casual exigencies, the current revenues of a country, is to be met with everywhere in Europe. Every body has heard of the distinction between floating and funded debt. In England there is always a large amount of exchequer bills in the market. The securities of the Bank of England consist almost exclusively of them, as combining safety and convenience in the highest possible degree. In the continental States, Treasury bonds are just as common. In short, if we were not the only people upon earth so happy as to know only by hearsay of the expedients to which, in the conduct of difficult affairs, States are everywhere compelled to resort, gentlemen would scarcely express such *naive* astonishment and alarm at one of the most usual of them.

But I repeat it, sir, I am not committing myself to the doctrine that this Government has, under the constitution, an unlimited control over our currency, either in this or in any other form. You know, Mr. Speaker, what my opinions are upon that subject, from those generally entertained in the part of the country which I have the honor to represent. I have done too much in my humble way to fortify and to diffuse those opinions; I know too well their importance, in a Government constituted as this is, to the weaker part of the confederacy, and especially now that that weaker part seems threatened with serious aggression, to abandon them, nay, nor to bate one jot of their rigor and sternness, for the sake of a mere momentary relief and convenience. I admit that when this House is called upon by the Executive to issue Treasury notes, as in every other case of loan, it ought to see that the Government really wants money, and wants it too for *bona fide* federal (not national, as they are called, or notional) purposes. That is the restriction, sir. That is the sound practical rule from which I will never consent to depart; and if I did not think that it applied to our actual situation, I should oppose not only the bill on the table, but every other bill for raising supplies at the present moment. But the case presented, and, so far as I have been able to consider the matter, made out by the Executive, is that, without pressing with a most rigid and probably ruinous severity upon its

debtors, the deposite banks and the merchants; without aggravating, beyond expression, the calamitous condition of the times, it must resort to you for temporary aid—for authority to anticipate the fruits of our returning prosperity, without formally laying the foundation of a new national debt, and to create a species of loans, which will not only furnish you with the means you want, but, incidentally, relieve the embarrassments of the community, and, especially, in the great and important interests of our domestic exchanges.

But, says the gentleman from Virginia before me, (Mr. WISE,) you are turning the Government into a bank—you are creating a great political corporation to trade in money, at the very moment that you decide it to be inexpedient to charter a commercial corporation for the same purpose. Why, sir, according to this very novel definition, every debtor is a banker—it is the borrower, not the lender, that belongs to that privileged class. (A laugh.) If this is true, we are a nation of bankers,—["So you are," from Mr. WISE]—"over-banked," to use the common phrase, with a vengeance. But on what possible ground can such a proposition be advanced? The States, it is said, are forbidden to issue bills of credit. What are bills of credit? Mr. Madison, as appears from one of the documents laid upon our tables, in a letter to a gentleman of some distinction in Pennsylvania, affirms, without hesitation, and as a thing quite settled, that it is of the very essence of such paper—its distinctive characteristic, its specific difference, so to speak—that it be made a legal tender.

[Mr. ROBERTSON, of Virginia. It has been decided otherwise.

Mr. LEGARE. Where, when, by whom?

Mr. ROBERTSON. By Judge Story.] (Cries of "go on, go on.")

Mr. LEGARE continuing. Sir, I will examine the correctness of that opinion presently. In the mean time, I beg leave to state to the House that Mr. Madison only repeated, in the letter alluded to, the opinions which he had previously either expressly or implicitly advanced, not casually, loosely, or inconsiderately, but in the most deliberate manner, and on the most momentous occasions. In his first message to Congress in the session of 1815–'16, he goes even further than in that letter—further, as I have said, than, as at present advised, I am quite willing to follow him. He distinctly presents in that state paper, the alternative of a national bank or a Government currency. Now, sir, I feel that I owe it to the House and to truth, I owe it to my own station here and the candor which I ever feel myself obliged to practise in debate, to state that General Hamilton, in his celebrated report upon the bank in 1791, does seem to treat such Government issues as the very description of bills of credit, so notorious under the old order of things, and therefore interdicted forever to the legislation of the States. He admits, indeed, that the interdict does not apply to us, directly, but he very reasonably thinks that it at least hints a rule for the conduct of this Government, which it ought not lightly to neglect. To take up the matter on principle it might well be asked, what harm is done by the issue of paper which nobody is obliged to receive, and every body may profitably use, in payment of public dues? But even if you allow, as I will not undertake to deny, that a mere issue of currency, as such, comes within the prohibition—what do you mean by currency? Is it pretended, for example, that the States, with their vast residuum of political power and public duty, cannot borrow money, and give to their creditors the evidence of debt assignable or unassignable? And if these evidences or acknowledgments of debt pass—as pass in these times of active commerce they inevitably will—from hand to hand, do they become violations of the constitution for that? Sir, it is a false, wild, chimerical conceit that such a notion ever entered into the heads of the majority of the convention in 1788, or that kindred idea, so often uttered of late, that all banking corporations in the different States, mere private partnerships chartered by the Legislatures, fall virtually within the prohibitory clause. It seems to me nothing short of monstrous to imagine that the States, charged as they are with all the high obligations of civil society—of defence and protection, of police, of education, of justice—with almost every thing that relates to the order and well-being of a community, could have thought, for a moment, of depriving themselves of a resource without which, in modern times, no free commonwealth can possibly manage its affairs without often falling into the most perplexing and even perilous embarrassments. And what is the argument by which it is attempted to lay them under such a disability? Why, that Congress, having the power to coin money and regulate the value thereof, was intended to have a complete control over the currency! Now what is currency, or rather, what, in these times, is not? Where will you draw any practical line between one acknowledgment of debt—one bill of credit, if you please—and another, when in all their effects, commercial and political, they are evidently the same? Sir, having bestowed much thought and research upon this most difficult and important of all the subjects that now challenge the attention of a public man, with opportunities perhaps more favorable to the discovery of truth, and to the forming of correct conclusions for the conduct of affairs, than it has fallen to the lot of most persons to enjoy, and finding, after so many nights and days of patient inquiry, the difficulties which surround this subject almost as many and (to me) as formidable as ever, I have been filled with wonder since I came here at the confident and dogmatical tone of many persons (on all sides) whose conclusions have cost them far less pains, and been adopted without any such loss of time. Among other things coolly taken for granted, is the meaning of this word "currency." Now, sir, if gentlemen will be at the trouble of looking into the minutes of evidence taken before the committee of the House of Commons charged with the question of the renewal of the bank charter in 1832, they will find that, with the exception of small sums paid away in wages, the whole circulating medium of Lancashire, Warwickshire, the West Riding of Yorkshire, and other, if not all, of the great manufacturing districts of England, consisted at no remote period exclusively of bills of exchange.* The whole circulation, I say, in which the immense business of the most flourishing manufacturing and commercial empire in the world is transacted—and especially that part of its trade which has done so much to enrich both this country and England—is almost entirely composed of common mercantile paper, with which Government, according to the opinions of our people and the genius of our institutions, has, by the confession of all men, nothing whatever to do. Sir, I shall have, I trust, some future and better opportunity of going more at large into that subject, which has, for some time past, so deeply engaged, and I am sorry to have to add, agitated the minds of men in all parts of the United States—I mean the credit system, under which this nation has grown up to be what it is. But I could not but take this

* No. 4206. Mr. Dyer. "By circulation, I mean not merely local notes, but bills of exchange."

No. 4274. The same. "To deny the Lancashire banks to be banks of issue, because they issue only post notes, is to make a distinction without a difference!"

It is stated in No. 4361, that the banks of Lancashire, at that time, did not issue notes, properly so called, but drafts, at different dates up to three months, upon their agents in London. In 1825, and other times of excitement, they were circulated to an immense amount, and did as much mischief by an enlarged currency of paper as was done in other parts of England by notes.

So No. 5329, ibid. "Bills of exchange form at present (1832) the great currency of Lancashire, and they formed almost the exclusive currency, with the exception of small notes paid for wages, till within these last seven years"—[1825 to 1832.]

Then follows the statement that nine-tenths of all the business of the counties mentioned above are represented by small bills.

occasion to remark how very loosely, with what a dangerous latitude both of phrase and opinion, we are in the habit of treating these matters, involving as they do all the fundamental interests of society, and of exemplifying the remark in the use of one of the most familiar terms that occur in our debates and declamations. We talk of bank paper as if all the harm done by expansions of currency were owing to it alone. Why, sir, bank notes, even in the times of the most extravagant issues, are but a part, and even a very small part, of the circulation set in motion by the operation of the credit system, at a period of great excitement, in communities advanced in civilization, and having all the facilities of an extended commerce. They are the efflorescence—so to express it—the flower, the blossom of the currency of such a country, essential, I admit, to its perfection and fruitfulness, but no more the whole body and frame of that mighty tree, than that eastern portico is to this capitol. But it is not my purpose to go, at this time, into the consideration of this subject in all its bearings and extent, and I have said already enough to awaken the House to the danger of those loose and sweeping generalities in which it is become so much the habit, in this country, to deal, even in the most important practical concerns.

As to the constitutional power of Congress, then, to issue these notes, under existing circumstances, I entertain no doubt at all, at least with reference to the objections mainly relied on in this discussion, and especially by the gentlemen over the way, [Messrs. Fletcher, Phillips, and Cushing, of Massachusetts.] But to the issuing them without interest, or with a very small interest, for which I repeat my decided preference, another difficulty has been presented by my friend from Virginia near me, [Mr. Robertson.] He maintained that as the constitution forbids any thing but gold and silver to be made a legal tender by the States, it implicitly requires that we should pay the debts of this Government only in specie or in what is equivalent to it. And yet, in almost the same breath, the gentleman proceeded to denounce the Executive for not being satisfied with the bank notes of the States, which he maintained are really not all depreciated. Sir, on this last head I agree with him entirely, at least so far as regards the state of our paper currency in the Southern States. I maintained when I first came here, what has been since demonstrated in a masterly argument in another part of this building,* and is strikingly corroborated by the recent fall in exchanges, that the price of bullion had been raised by an extraordinary foreign demand, and was no proof whatever of the redundancy of the circulation, which has been very much reduced within the last ten months, and is probably even inadequate to the necessary exchanges of the country, in the usual course of business. But if this is true, as I have no doubt it is, then the right of a creditor under the constitution to demand specie for his debt, becomes that *summum jus* which, all the world over, is *summa injuria*. And if this is the case as between individuals, why should a rule so very different be applied to the transactions of Government? Nay, the news brought us from New York this morning is that, while gold is only at 5 per cent. premium, Treasury drafts are at 4: for you must remark, sir, that the letter of Prime, Ward, & Co., received just now, is dated at least a fortnight ago, and since that time a most decided change has taken place in the specie market as well as in foreign bills. I think, then, I am perfectly safe in affirming that there is no danger whatever of the contemplated Treasury notes falling below what, by the confession of the gentleman himself, ought to satisfy any man not bent upon enforcing a contract according to the utmost rigor of the law, in a manner inconsistent with equity and good conscience. We shall pay our creditors in what is 4 per cent. above those bank notes which are there acknowledged to be at their full value in reference to all other commodities but gold and silver.

[Here Mr. Robertson said nothing was at par which was not equivalent to gold and silver, or something to that effect.]

Mr. Legare. Then why find so much fault with the Government for demanding gold and silver of its debtors? The gentleman is plainly in a dilemma, from which it is not easy for him to extricate himself.

[Mr. Robertson said, with the permission of the gentleman from South Carolina, he would make a brief explanation. He had not at all discussed the question of depreciation. He could not admit, however, that paper money was not depreciated. On the contrary, he insisted that it must always be regarded, in a legal sense, as depreciated when below the legal standard—gold and silver, without regard to the causes, whether it be a foreign demand or any other, which may have occasioned the difference. Still he denied the policy or justice of exacting gold and silver at this time in payment of the public dues; when it could not be procured but at a high premium, and when, indeed, there was scarcely any currency at the command of the people than depreciated paper. He thought it was oppressive in this Government to exact this sacrifice—to reject that which the State Governments were content to receive; and what, in the ordinary transactions between man and man, it would be deemed immoral and dishonorable to refuse.]

Sir, I am charmed to hear the gentleman say so. Then why should the public creditor call upon the Government to do, for his benefit, an immoral and dishonorable thing; and why should he think himself wronged if we offer him what is at this moment four per cent. better than the paper which, according to the gentleman's own showing, ought to satisfy every equitable and conscientious man? But the truth is, I apprehend no difficulty at all from those to whom we shall have payments to make, and through whose hands these notes will, almost without exception, make their way into circulation. They will receive them cheerfully, and without hesitation; and although I perfectly appreciate the delicate and honorable scruples which some gentlemen seem to feel about offering, in satisfaction of the public dues, a paper ever so little inferior to the only legal tender recognised in the constitution, yet I cannot myself, in a matter left, after all, entirely to the free will of the party, consent to sacrifice substantial justice and the public good to what I must consider as a superstitious adherence to the mere letter of the law. Nobody, at all versed in these subjects, now regards the precious metals as any thing but an approximation, and often a very imperfect approximation, to a correct measure of value. They have been adopted from the necessity of the thing, as the two great "commodities of commerce" furnishing a ready medium of exchange for all others, and, on the whole, the best practical means of comparing them; but they are still, like the rest, mere commodities, subject to a very great fluctuation in value, according to the common principles which govern prices. The present state of things furnishes, in my opinion, a striking example of this important truth; and now, I ask, whether any really just man ought to complain of us if we offer him these notes, with the most perfect liberty to refuse them at his own discretion, and treat us as debtors on his unsettled account; if, in making that offer, we hold to him the frank, manly, and reasonable language dictated to us by the truth of the case, and the actual situation of the country—if we say to him "gold and silver, which is in strict law, though not in good conscience, your due, we have none? By an unforeseen and terrible revulsion, by contingencies beyond any human control, our debtors have been, and are still, unable to meet their engagements with us in the usual way. The country is in deep embarrassment and distress, and we cannot, even were we disposed

* By Mr. King, of Georgia.

to do so, press them to a literal compliance with their contracts, without involving our whole people, more or less, in the fearful consequences of the bankruptcy that would probably ensue. We give you, however, an acknowledgment of your claims against us, which will be every where nearly as good, in some parts of the country probably better, than the precious metals—which, at all events, is at a premium, in reference to what you would not hesitate to receive from a private debtor; and we put it to your patriotism and your sense of justice, to decide whether we have not, to all substantial purposes, complied with our engagements." Sir, depend upon it, such an appeal to the good sense and the generosity of our fellow-citizens will not be made in vain.

The right of the Government, therefore, in every aspect of the case, being, as I conceive, fully established, the only remaining question is, in what form will these notes be most beneficial to the public? Whether it is better to issue them bearing an interest of not more than 6 per cent., or bearing either no interest at all, or a very small one, to be ascertained by the House? And this brings me to the differences between me and the chairman of the Committee of Ways and Means, or, to express it more accurately, perhaps, between the Senate and the committee of this House. Sir, I admit that these notes, at a higher rate of interest than I approve, would serve an excellent purpose as remittances to Europe; but exchanges, as we have seen, are already fallen nearly 50 per cent. within a very few days, and there is every reason to believe that as soon as the coming crop shall be brought to market, they will be down at par. But the prospect of an improvement in our domestic exchanges is unfortunately not so good. An immense debt is due from the West and the Southwest to the great commercial capitals on the Atlantic, to the payment of which, notes bearing a high rate of interest will contribute no aid whatever. They will, you may rely upon it, sir, be instantly bought up by capitalists for investment. They will disappear entirely, as gold and silver have disappeared. In consequence of the shock given to all credit by the late revulsion, there are immense deposites in all your banks waiting for some safe opportunity to lay them out on any reasonable terms. The answers made to the circular of the Secretary of the Treasury have no weight at all with me, not only because, as I said just now, a very material change has occurred in the price of bullion since that date, but for several other reasons which need not be dwelt upon here. These notes are not intended to go into the market at all. My idea of the proper use to be made of them is, that they shall be passed away, as I have said, to the functionaries and creditors of the Government. I repeat, that I have no doubt that they will be readily accepted by them, and that the extravagant rates of exchange between the different parts of the country will keep them up at a considerable premium in respect of the best bank paper, and nearly, if not quite, at a par with gold and silver.

Mr. PATTON said he desired to say a few words in reply to the gentleman from New York, [Mr. CAMBRELENG.] That gentleman had taken occasion, in answering the remarks which he (Mr. PATTON) made on yesterday, to express himself in a manner, to say the least, rude and uncourteous. He said, as I understand, that he had supposed I had more sagacity than not to perceive the design and effect of the amendment proposed by the gentleman from Kentucky. I am a man, Mr. Speaker, of very humble pretensions in point of sagacity, and surely will not undertake to rival the claims, in that regard, of so profound and sagacious a statesman and financier as the chairman of the Committee of Ways and Means: that is a comparison which it would be more becoming in him, as well as myself, to leave to the judgment of the House and others.

I think, by this time, said Mr. P., that the chairman of the Committee of Ways and Means has discovered that not only myself, but many other members—whom I will not do the injustice even of comparing with him in point of wisdom and sagacity—have been unable to see the evil tendencies of the proposed amendment. Although they have had the benefit of the illumination shed upon the subject by the sagacious chairman, they regard the objections made by him as unsound and frivolous as I do; objections which, whatever estimate I may have put upon the wisdom of the gentleman from New York, prove that he does not possess one whit more sagacity than I supposed him to have.

What is it that the chairman of the Committee of Ways and Means tells us is the character and effect, and even, as he intimates, the object of this amendment? Why, that it will give the United States Bank of Pennsylvania a benefit of at least one hundred thousand dollars. How does he make out this? What plausible or even colorable proof of this assertion has he adduced? These bonds which he assumes that the Bank of the United States, and that bank alone, can or will purchase, are bonds bearing an interest of six per cent. payable in one, two, and three years. The Bank of the United States, as is notorious, so far from being desirous or interested in taking in such bonds, has been recently issuing new bonds, for the purpose of raising funds in England, in order to strengthen herself, and enabling her the better to live through the present calamitous condition of our commercial and moneyed affairs. But again: the amendment limits the sale of the bonds at par, with liberty to the Secretary to get as much more than par as he can. Are we to be told that these bonds will not sell at par?

[Mr. CAMBRELENG here said that he said no such thing.]

Mr. PATTON resumed. I did not say he said so. I put the question—are these bonds worth par or not? If not, then they will not be sold, for the amendment prohibits it; and the gentleman from Kentucky proposes to provide for that contingency, by authorizing the Secretary to raise six millions of dollars by direct loan. If they are worth par, or more than par, by what authority of fact or reason can it be assumed that nobody will purchase but the Pennsylvania Bank of the United States? Why, we have been constantly told during the last spring and summer, from a source of high authority with some gentlemen, (though of very little weight with me,) that this institution was upon the eve of bankruptcy; that the declaration of Mr. Biddle that his bank could have continued to pay specie was an empty and unfounded boast. We know that this bank has been engaged in large mercantile and financial operations, which have probably employed all her disposable means. Still, I think it may be possible that she might purchase these bonds; but it is manifest that she cannot do so unless at their full value. What possible injury can be done to the Government by getting its debt fully paid in advance? The amendment throws the bonds into market; it invites the competition of all capitalists here and in England, and thereby insures a sale upon the best possible terms. And I am warranted, upon the opinion of an eminent merchant, who is one of the most intelligent members of this House, [Mr. PHILLIPS,] in expressing the opinion that they will sell readily and at a premium. It is a matter of indifference to me who purchases them, even although it be the Bank of the United States of Pennsylvania. If she will give more for them than any other institution or individual, I have not the slightest objection; indeed, it is with me rather a recommendation; for then the separation and divorce of the Government from that bank would be final and complete. I am not to be deterred from advocating a measure by which the demands of the Treasury may be met out of our own funds without loan or taxation, by having the ghost of the United States Bank paraded before my eyes. It seems to be perpetually flitting before the apprehensions of some gentlemen, disturbing their composure, and disordering their minds. It is an "unreal mock-

ery," I fear it not. I have borne my part in the war that has been waged against the Bank of the United States during the last four or five years. It is dead and buried, and we performed its funeral obsequies in solemn form only a day or two ago. This amendment proposes to sever the last link of connexion with this deceased institution.

But the gentleman from New York asks, are we going to place the Government in the degrading attitude of an endorser of the Bank of the United States? And why shall we not endorse our own bonds on which we want to raise money? What degradation is there in this? Does not every man who sells a bond endorse it? Who has ever been degraded by it? The whole effect of the endorsement or assignment is, that if the bank does not discharge its obligation when due, the Government will indemnify the purchasers. How will that continue the connexion with the bank more than now exists? The whole amount of it is, that if the bonds are sold, the Government insures them to the purchaser. If we hold them, we stand our own insurer. If the bank fails to pay them, the Government loses the amount in one case as well as the other. There is no new liability incurred, and in the worst event that can happen, the failure of the bank before the bonds became due—of which I have not the least apprehension—the Government will have had the use of the amount of the bonds to meet her pressing engagements, and in the end will only have to provide funds to reimburse the purchaser, precisely in the same way as you must provide funds to take up your Treasury notes, if you issue them.

But, if the gentleman from New York is right in assuming that the Bank of the United States will purchase the bonds, then what becomes of his objection to the Government being the endorser? If the bank purchases, or rather anticipates the payment of its bonds, there is an end of all liability on the part of the Government—there is no endorsement.

I expressed my surprise that the gentleman from New York, who had heretofore acted so conspicuous a part in urging a disconnexion between the United States Bank and the Government, who had heretofore been so ready to sell the stock of the Government in that bank, did not at once and eagerly avail himself of the present opportunity. I referred to his recommendation as chairman of the Committee on Foreign Relations two or three years ago, that the stock should be sold to meet contingent expenses, in the event of difficulties with France. I understand his answer to this to be that the proposition was not to sell the stock, but to use funds of the Government then due from the bank. Why, sir, I read, and will read again, from the report made by Mr. Cambreleng, on the 27th of February, 1835, from the Committee on Foreign Relations, in connexion with our difficulties with France:

"It is a gratifying circumstance that our means are adequate to meet any exigency without recourse to loans or taxes. The bill now before the House, authorizing the sale of our stock in the Bank of the United States, would, if adopted, afford all the revenue necessary. The committee is of opinion that the whole or a part of the fund to be derived from that source should be appropriated for the purpose of arming our fortifications," &c.

The bill referred to in this extract, for selling the stock, had been reported in pursuance of the recommendation of President Jackson. And, as an additional support to the measure now recommended, I will read a passage from the message of General Jackson, of the session of 1834 and 1835. After speaking of the danger and impropriety of continuing any connexion between the Government and the bank, the President proceeds:

"I feel it to be my duty to recommend to you that a law be passed authorizing the sale of the public stock;" and "that all laws connecting the Government or its officers with the bank, directly or indirectly, be repealed; and that the institution be left hereafter to its own resources and means."

The bill, which was the answer to this recommendation, was favored with the approbation of the gentleman from New York. Now, sir, is it wonderful that I should be suprised that any opponent of the Bank of the United States, or any friend of the administration, pledged to walk in the footsteps of General Jackson, should oppose the present proposition to sell the stock in the Bank of the United States, and thereby meet "the exigencies of the Government, without recourse to loans or taxes?"

The means recommended by the late President for disconnecting the Government with the bank; the means recommended by the chairman of the Committee on Foreign Relations [Mr. Cambreleng] for supplying the demands of the Government without resorting to loans or taxes, are now resisted by the chairman of the Committee of Ways and Means, [Mr. Cambreleng,] although the exigencies of the Government can be no otherwise met but by adopting it, or resorting to loans and taxes. I repeat that I am surprised that any real opponent of the Bank of the United States should oppose this amendment. If the proposition had come from the chairman of the Committee of Ways and Means, how many of those who opposed the Bank of the United States would have resisted it? I venture to say, very few, if one. Why should we not avail ourselves of our own resources, sell our own stocks, rather than create a new national debt; now when the shouts of gratulation for the extinguishment of the old debt are still ringing in our ears?

So much for that subject. I wish now to make some reply to the remarks of the gentleman from Maryland, [Mr. Thomas,] upon the other branch of the amendment. It proposes to legalize the practice heretofore pursued by the Treasury, of issuing Treasury drafts upon the deposite banks, and to require and compel him to receive these drafts in payment of Government dues, when not paid by the banks in funds acceptable to the holder. This practice has been pursued since the suspension of specie payments without any difficulty so far as the Treasury is concerned, and to the entire satisfaction of the public creditor. It makes available those funds of the Treasury which are now pronounced to be unavailable. These drafts are now only one or one and a half per cent. below specie. Under this course the deposite banks have paid about fifteen millions of their debt to the Government, and if it be continued, I have great hopes that all the deposite banks will discharge the balances due from them, satisfactorily to the public creditors, and without embarrassment or inconvenience to themselves. Can any gentleman reasonably hope that Treasury notes will have a better credit than Treasury drafts? These Treasury drafts will answer, as they have done as a medium of circulation, as a means of supplying domestic exchange. Treasury notes, especially if they bear interest, will not circulate as currency; they will be taken up for investment, and go into the hands of moneyed capitalists, and "rag barons," as it is the fashion of one class of politicians to characterize men of wealth and moneyed institutions.

The gentleman from Maryland says that there have been decisive indications given by this House that the issuing of Treasury drafts, as has been heretofore done, should be discontinued, and expresses his astonishment that the proposition made by me, and accepted by the gentleman from Kentucky, should have been made, after these decisive indications. When, where, and how, have such indications been given by this House? No such evidence has been given, no such views have been developed, as the opinion of this House.

It is true, that we have had sent down to us from the Senate a bill which proposes to indulge the deposite banks, to give them indulgence to pay their debts to the Govern-

ment in three instalments, at 4, 6, and 9 months, and then to turn them over, if they do not pay, to the tender mercies of the Secretary of the Treasury, with all his gold and silver notions.

The proposition now before you holds out to the banks an indulgence indefinite and unlimited, at the same time that it affords relief to the Government and the people, by authorizing an issue of drafts drawn upon these funds in the banks, making them available to the Government, without distressing the banks. I make an appeal to the gentlemen representing the West and Southwest, whose banks owe the largest sums, and which I am told by a member from that region cannot probably resume specie payments in less than eighteen months or two years, and ask them how they can reconcile it to themselves to refuse this amendment? The measure I propose will give these banks an indefinite indulgence, and at the same time make their balances available to the Government without the cost of a dollar, and in a way entirely free from all constitutional difficulty, while the measures recommended by the Executive have a direct tendency (I speak of all the measures, including the sub-Treasury scheme) to increase the demand for specie—to make difficulties in the way of resuming specie payments. I ask the gentlemen from the West and Southwest, if they are ready to agree that their banks shall be treated as bankrupts, and to have them pounced on by the district attorneys of the United States under the pending law? The necessary effect of this would be, that those banks must sue their debtors, those indebted to the banks must sue their debtors, and thus all the people in those regions must be involved in one common ruin.

It is my decided opinion that the means of meeting the exigencies of the country, proposed by the amendment, are preferable to the issue of Treasury notes, with or without interest. I am not able to see how Treasury notes, without interest, issued only upon the faith of the Government, intended as a circulating medium, can be distinguished from bills of credit—strictly a Government paper money. As at present advised, I cannot vote for such a bill, because I can see no constitutional authority in this Government to issue bills of credit.

In conclusion, I beg leave to say, that I think the amendment of the gentleman, modified as it has been, on my motion, having the effect of supplying the requisite means of meeting the demands of the Treasury, without taxes or loans, ought to receive the favorable consideration of the House.

Still, however, if the House reject this amendment, and no more acceptable and less questionable means of raising money can be suggested, I will vote for a loan of money, and the issue of certificates of loan in the form of Treasury notes bearing interest. In that form, I consider them substantially a loan, and therefore constitutional; though I would prefer a direct loan.

Mr. CUSHING followed, in reply to Mr. Legare. He quoted Judges Story, Marshall, and other authorities, to show that Treasury notes were bills of credit.

Mr. FOSTER replied, arguing that Treasury notes, to become bills of credit, must be issued as a circulating medium. He denied that a high or low rate of interest altered the case. He argued at length against the amendment.

Mr. MENEFEE addressed the House at large, in an eloquent and earnest speech, against the bill.

Mr. CUSHMAN terminated the discussion by calling for the previous question.

The CHAIR stated that, if it should prevail, the main question would be on the House bill as at first reported from the Committee of Ways and Means. [Cutting off, of course, Mr. Cambreleng's amendment, which engrafted the Senate's bill on the enacting clause of the House bill.]

On the question of sustaining the call for the previous question there was a tie, the ayes being 88, and the noes 88. The Chair voting in the negative, it was not sustained.

Mr. CAMBRELENG now pressed for action on the bill, and referred to pledges given by gentlemen of the opposition that a vote should be had this night.

Mr. WISE replied, admitting that he had given such a pledge but for himself only. He did not undertake to command the House, or speak for it as at his bidding.

Mr. W. C. JOHNSON obtained the floor, and addressed the House in a speech of great animation till late in the evening.

Mr. PHILLIPS read to the House, from a document recently received, and not yet generally distributed, in reply to a call for the correspondence of the Treasury with various individuals, touching the terms of their reception of Treasury notes for specie; and in which many commercial capitalists declined altogether having any thing to do with such a transaction.

The question was at length obtained on the amendment moved by Mr. Underwood, and decided as follows:

Yeas—Messrs. Adams, Alexander, H. Allen, John W. Allen, Aycrigg, Bell, Biddle, Bond, Bouldin, Briggs, W. B. Calhoun, J. Calhoon, W. B. Campbell, J. Campbell, W. B. Carter, Chambers, Cheatham, Childs, Clowney, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Dennis, Dunn, Elmore, Everett, Ewing, R. Fletcher, Fillmore, R. Garland, Goode, J. Graham, W. Graham, Graves, Grennell, Griffin, Halsted, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, R. M. T. Hunter, Jenifer, H. Johnson, W. C. Johnson, Lawler, Lincoln, A. W. Loomis, Mallory, Marvin, S. Mason, Maury, Maxwell, McKennan, Menefee, Mercer, Milligan, C. Morris, Naylor, Noyes, Ogle, Patterson, Patton, Peck, Phillips, Pope, Potts, Rariden, Reed, Rencher, Ridgway, Robertson, Rumsey, Russell, Sawyer, A. H. Shepperd, C. Shepard, Sibley, Slade, Southgate, Stanly, Stratton, Taliaferro, Thompson, Tillinghast, Underwood, A. S. White, J. White, E. Whittlesey, L. Williams, S. Williams, J. L. Williams, C. H. Williams, Wise, and Yorke—104.

Nays—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Brodhead, Bronson, Bruyn, Buchanan, Cambreleng, T. J. Carter, Casey, Chaney, Chapman, Cilley, Claiborne, Clark, Cleveland, Coles, Conner, Crary, Cushman, Davee, DeGraff, Dromgoole, Duncan, Edwards, Farrington, Fairfield, Foster, Fry, Gallup, Gholson, Glascock, Grantland, Grant, Gray, Haley, Hammond, Harrison, Hawkins, Haynes, Holsey, Holt, Howard, Hubley, Ingham, T. B. Jackson, J. Jackson, N. Jones, J. W. Jones, Kemble, Kilgore, Klingensmith, Legare, Leadbetter, Lewis, Logan, A. Loomis, Lyon, J. M. Mason, Martin, McKay, R. McClellan, A. McClellan, McClure, McKim, Miller, Montgomery, Morgan, S. W. Morris, Muhlenberg, Murray, Noble, Owens, Palmer, Parker, Parmenter, Paynter, Pennybacker, Petrikin, Phelps, Plumer, Potter, Pratt, Prentiss, Reily, Rhett, Richardson, Rives, Sheffer, Sheplor, Snyder, Spencer, Stewart, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vanderveer, Wagener, Webster, Weeks, T. T. Whittlesey, J. W. Williams, Worthington, and Yell—112.

So the amendment moved by Mr. Underwood was negatived.

Mr. RHETT then moved an amendment, the effect of which would be, if agreed to, to make the bills payable "upon presentation," after the expiration of one year from date, and to divest them of the character of interest-bearing notes.

The House then, on motion of Mr. WILLIAMS, of N. C., at about half past nine, adjourned.

SATURDAY, OCTOBER 7.

As soon as the journal was read,

Mr. J. Q. ADAMS rose and asked leave to make an explanation; and, by general consent, was allowed to do so.

It would be recollected (he said) that he had, on the preceding day, referred to the fate of propositions made at former sessions, to investigate alleged abuses in our Indian affairs, out of which the Creek and Seminole wars had grown. With respect to one of these propositions, by the gentleman from Alabama, he had stated that, after that gentleman had moved to refer the inquiry to a select committee, a motion was made to refer it to the President of the United States, which motion prevailed: and he had then inquired whether any report or message, in consequence of that reference, had been sent by the President of the United States to this House. The question (Mr. A. said) he had asked, because he was ignorant whether such a report or message had been sent or not. He did not assert that such a report had not been made, but he had asked for information. To this inquiry he had received no answer; from which he inferred that no communication had been made to the House by the President upon the subject. Afterward, however, he had been informed that a message had been sent to the House on the subject just before the close of the last session of Congress, and had been laid on the table and ordered to be printed. Not having been printed before the close of the session, it had not come to his knowledge. It was printed afterwards, and constituted No. 154 of the Executive Documents. Since the adjournment last evening, he had seen it, and had read as much of it as it was possible for him to read between ten o'clock last night and the meeting of the House this morning; and, he must say, that a more heart-sickening document he had never read. It goes (said he) to prove to demonstration, if demonstration be required, the necessity of a full investigation into these abuses, by the order of Congress. There were disclosures enough, even in this document, to make the blood tingle in the veins of every man who read it.

Mr. A. said he had thought proper to make this explanation, because he was not willing that an impression should go abroad, from his statement, that the Executive had not done its duty in reference to the vote of this House upon the subject. The Executive had acted upon the subject, it appeared, promptly; had appointed two citizens, Mr. Crawford and Mr. Balch, commissioners for the purpose, and authorized them to make the required investigations. These commissioners, acting under instructions from the Executive, had collected a vast deal of information, contained in their report, which was, however, only a report in part, much remaining yet to be disclosed. As far as he could judge, the trust reposed by the resolution of this House had been faithfully performed, as well by the Executive as by the individuals who acted as commissioners by his appointment.

In justice to himself, as well as to the Executive of the United States, Mr. A. said he made this explanation.

## FLORIDA WAR.

The House then proceeded to the unfinished business of the morning hour, which was the consideration of the following resolution, submitted by Mr. WISE on the 19th instant:

"*Resolved*, That a select committee be appointed by ballot to inquire into the cause of the Florida war, and into the causes of the delays and failures, and the expenditures which have attended the prosecution of that war, and into the manner of its conduct, and the facts of its history generally; that the said committee have power to send for persons and papers, and that it have power to sit in the recess, and that it make report to the next session of Congress."

Mr. GLASCOCK had moved to amend the foregoing resolution by striking out all after the word "resolved," and inserting the following:

"That a select committee be appointed to inquire into the cause of the Florida war, and the causes of the extraordinary delays and failures, and the expenditures which have attended the prosecution of the same, and all the facts connected with its history generally; and that said committee have power to send for persons and papers, except such persons as may be engaged at the time in the Florida war."

The question immediately pending was the motion of Mr. HOWARD to strike out the words "that a select committee be appointed," and insert "that the Committee on Military Affairs be instructed."

Mr. McKAY had not intended taking any part in this debate, and would not now have done so, had it not been for the remarks of the gentleman from Massachusetts, [Mr. ADAMS,] on yesterday, in relation to the composition of the Committee on Military Affairs. The gentleman from Maryland, [Mr. HOWARD,] who had made the proposition to refer this subject to the Committee on Military Affairs, would do him the justice to say that the amendment was moved without any consultation with him, and he presumed without any consultation with any member of the Military Committee. The gentleman from Massachusetts [Mr. ADAMS] had objected to sending the inquiry to the Committee on Military Affairs, because eight of its members were friends of power, as he chose to designate them. By this, however, he understood the gentleman as meaning nothing offensive, but merely that eight of its members were in favor of the administration, and but one opposed it. Now he (Mr. McK.) believed it was well understood that this committee has had no connexion with the politics of the country, as all that ever was required of it was, to look to the military affairs of the country, and all subjects connected therewith. He had taken the trouble to look into this matter, and see how this committee had been made up for some years back, and would call the attention of the House to the fact. Four years ago the Military Committee was organized precisely as it is now. When the distinguished gentleman from Virginia, who is now our Minister to England, occupied the Chair, this committee was made up in the same way, and it was precisely the same while the gentleman from Tennessee [Mr. BELL] was presiding officer of the House. This committee still stood, with reference to the administration, eight to one. During the second session of the twenty-third Congress, Mr. Vance, who is the present Governor of Ohio, was the only member on that committee opposed to the administration; and during the twenty-fourth Congress, Mr. Bunch, of Tennessee, if he might be considered an opponent of the administration, was the only member on that committee in the opposition. This he thought was a sufficient answer to the objections of the gentleman from Massachusetts on this point. Well, how was it with regard to other committees of this House? He took it, if gentlemen would take the trouble to examine, that they would find many of the committees with majorities opposed to the administration. The committee of which the gentleman from Massachusetts is chairman, (the Committee on Manufactures,) has a majority of its members opposed to the administration. It was the same case with the Committee of Claims. It was the same with all the principal committees on the expenditures of the Executive Departments. The committees on the expenditures of the War Department, the Navy Department, and the Post Office Department, had all majorities opposed to the administration. With regard to the Committee on Military Affairs being composed of eight friends of the administration, and one member of the opposition, he presumed it was altogether accidental. He observed it was in accordance

with the previous practice of the House, as it was precisely in the same situation in which it had been in for the last four years, and he had never before heard any complaint in relation to it. But the gentleman from Massachusetts had urged another objection against this committee, and that objection was, that there were eight of its members taken from the Southern States, and only one left to take charge of the peculiar interests of the Northern States. Now, if the gentleman would look into the organization of the other committees, he would find the same objections to lie against them.

How is it with the Committee of Ways and Means? Out of the nine members of that committee, there was only one member, the gentleman from Ohio, [Mr. HAMER,] to take care of the interests of the whole valley of the Mississippi and Ohio. How is it with regard to the committee of which the gentleman from Massachusetts himself is chairman, the Committee on Manufactures—a committee whose measures affect all branches of industry in the country? Seven of its members live in the Northern States, and four of that seven in the New England States, while the whole of the Southern States had but one person on it to represent their interests. How is it with regard to the Committee on Naval Affairs and the Committee on Commerce? The Western States have not a single member on the Committee on Naval Affairs or the Committee on Commerce to represent their interests.

But, could not the gentleman from Massachusetts see the fallacy of these objections? There were only nine members on each committee, and there were twenty-six States in the Union; so that it was a natural consequence that at least seventeen States must be unrepresented on each committee. There was, therefore, nothing in the objection. He would next call the attention of the gentleman to the Committee on Roads and Canals—a committee so intimately connected with the great question of internal improvements. That committee stands seven to two, and only one of its number to take care of the interests of the ten States in the South and Southwest. That committee, too, stands, in regard to the administration, in precisely the same situation as the Committee on Military Affairs.

The gentleman from Massachusetts, on yesterday, said that, during the last long session of Congress, a resolution was adopted calling on the late President of the United States to lay before Congress a statement in relation to the late Creek war, and that no answer was returned by the President. On this morning, however, the gentleman had corrected this statement, but had again fallen into an error. The gentleman had said that the resolution was answered by the President within a day or two of the end of the session. Now, if the gentleman would consult the journal, he will find that this communication was sent in on the 14th day of February; that it was only a report in part; and that the commissioners appointed by the President to make the necessary examinations were engaged in the further prosecution of the inquiry; and Mr. McK. understood that they were now in this city preparing a report, to be laid before Congress at its next regular session.

The resolution offered by the gentleman from Virginia [Mr. WISE] proposes an inquiry into the causes of delay and expenditure in the prosecution of the Florida war. Now, that gentleman will recollect that, during a former Congress, he submitted a resolution calling for information from the departments relative to this identical subject. On the 22d of May, it would be found, by referring to the journals, that a resolution was adopted, on motion of the gentleman from Virginia, [Mr. WISE,] calling on the President to communicate to the House all measures taken to suppress Indian hostilities in Florida, and also to communicate the causes of such hostilities. It would also be found that on the 26th the President sent a report from the Secretary of War on the subject; on the 27th, an additional report; and on the 3d of June, a supplemental report on the same subject; therefore, there were three reports made in answer to this resolution, giving all the information in relation to the causes of the war and the means taken to suppress Indian hostilities.

Mr. WISE said he knew that this report did not contain all the information in possession of the Department. He would not say by what authority he knew this; but the late Secretary of War himself knew by what authority he (Mr. WISE) knew that he did not communicate to this House all the information in his possession.

Mr. McKAY resumed. That did not affect what he was going to say. The gentleman says all the information was not communicated. That was extraordinary. He did not pretend to say that the gentleman had not good grounds for making the assertion; but let us look to the terms of the resolution. They were, that the President be requested to communicate all the measures taken for the suppression of Indian hostilities, and all the information relative to the causes of those hostilities. Now, if what was stated by the gentleman from Virginia was true, it would form a grave matter of inquiry for the House to take notice of, and it would be called upon to institute some inquiry into the conduct of the late Secretary of War in consequence of this dereliction of duty. But, would the House suppose that the Secretary was so very regardless of his official duty as not to comply with the order of the House, requiring him to communicate all the information in regard to the causes of this war?

Mr. WISE said he would now state by what authority he spoke. Sir, (said Mr. W.,) the Secretary of War, unless his messenger told a falsehood, did, before he answered that very call, send a gentleman to me with certain papers marked confidential. They were submitted to me, and I know it upon this information. I read them, and the question was put to me, "Do you want these papers?" My reply was, that I wanted all relating to the subject.

Mr. McKAY rose to resume; when,

On motion of Mr. CAMBRELENG, the House proceeded to the orders of the day.

## TREASURY NOTE BILL.

The House then resumed the consideration of the "bill to authorize the issuing of Treasury notes," being the substitute reported from the Committee of the Whole.

The question being on an amendment to the amendment proposed by Mr. RHETT—

Mr. RHETT modified his amendment so as to declare that the faith of the United States was pledged for the payment of the notes, on presentation, at six months after their dates, respectively.

Mr. BELL rose and said: It had been his wish to submit his views upon this important subject while the bill was in committee, but he had been prevented by indisposition; he did now intend to extend his remarks as far as he had designed to do, if time had permitted. The objections to this measure, (said Mr. B.,) are in my mind great and insuperable. It may possibly be that I am misled by suspicions, and that I may mistake the object of the bill, and do gross injustice to the intentions of the administration in pressing it upon Congress, but I must say, in my own vindication, that if I should be mistaken, my suspicions are honestly and sincerely entertained. In ordinary times, and under ordinary circumstances, I could always find some clew to the real object of a measure; now no light comes from any quarter to direct my course. I might, and I did expect some light to spring up from the discussion of this question, but neither from the spirit nor matter of the past discussion can I gather any thing satisfactory. If I look to the votes of honorable members I am still left in the dark. It is well known that there is a re-

spectable minority of the members in this House representing the party in power, which has been understood to be as widely separated as the polls of the earth from their political allies and the President himself in principle and doctrine upon the subject of the currency, and the new fiscal system recommended in the message; yet we find most of the gentlemen who compose this minority, the most thorough, prompt, and vigilant supporters not only of the administration generally, but of the measure under consideration in particular. How am I to reconcile this course of honorable gentlemen with the principles they profess? How can I come to any satisfactory conclusion as to what is the real intention of the Executive in asking this extraordinary supply of money, and in the extraordinary shape in which it is proposed to be granted, when I find those I would have supposed as most hostile in interest, the most decided and determined in its support? We all know, sir, the power and influence of the Executive upon every great measure of policy about which there is any difference in this House or in the country. It is not only the personal influence of station, but the great amount of patronage connected with it, which insures this influence. The constitution, no doubt, contemplated some degree of influence of this nature. I was struck with the justness and force of a sentiment expressed by the distinguished gentleman who sits before me, [Mr. ADAMS,] shortly after he took his seat upon this floor, and after the close of his administration of the Government. It was that, by the constitution, it was not only ordained and intended that there should be three co-ordinate departments of the Government, but that they should also be co-operative. The due degree of Executive influence designed by the constitution, I do not object to. I subscribe to the propriety of it; but, acting upon this principle, how are we—how ought we, in common candor, to regard the measure under consideration, and those connected with it, which found their way into this House under Executive sanction? How otherwise can we regard them, without disparagement to the Executive, but as the ways and means of carrying into execution, in the most active and effectual manner, the doctrines and policy laid down in the message? and so we must regard them, unless we are disposed to make a direct attack upon the President, and charge him with insincerity and double dealing. But it is not only the course of those gentlemen in this House, who are denominated conservatives, which perplexes me upon this point. In the semi-official organ of the administration, or rather of what is considered the orthodox and largest portion of the party in power, (the Globe,) published this morning, I find the extraordinary declaration and avowal which I will read to the House:

"We have been requested by our political friends in different parts of the country to give a place to accounts of democratic meetings approving the message and the Secretary's report on the finances in the warmest terms, and pledging vigorous support to the administration and its friends in carrying out the doctrines set forth in those admirable state papers."

In the same organ I saw, but a few days ago, the sentiment avowed, that the recent votes in the two Houses of Congress give strong indications that the "dynasty of banks, both great and small, approached its end." What, sir, are we to conclude from these annunciations, but more particularly when we connect with them the course of the conservatives of this House? What are those doctrines of the message and the report of the Secretary of the Treasury which are to receive the vigorous support of the alleged democracy of the country? The doctrines of the message propose the sub-Treasury scheme, and reject the idea of giving credit to banks and bank paper at any time. The report of the Secretary, among other things, gives us a detailed plan of a fiscal system, which is to all important ends and purposes a Treasury bank. Now, sir, which of those two systems is to be supported by the party in power for the future, or, if neither finds favor by itself, how much of one is to be combined with the other, and carried out by this administration? Have we not a right to some explanations upon this subject? Have not the country a right to demand an explanation of these mysterious declarations? What are the real designs of the administration? Have the conservatives made terms with the President and those who sustained him in his message? Have they been promised that their banks and bank notes shall not be molested? that they shall be saved from the general wreck which has been threatened to the banking system in this country? From my personal knowledge of the character and principles of many of those gentlemen, I do not believe them capable of compromising the general interests of the country, and acting upon a compromise so narrow, selfish, or unworthy. But do they not owe it to this House and the country to avow the real principles of the compromise, if they have made one, and I must suppose they have? Have they agreed that they will give their support to any, and, if any, to what extent, to the issue of a paper circulation founded upon the credit and revenues of the Government, or, in other words, of a Government bank? and, if they have, what securities have they taken for the fulfilment of the engagement on the part of the administration, or of that portion of the party in power which has been understood to favor the doctrines of the message? Sir, I know I have no right to demand an answer to any of these questions; but I refer to the subject which gives rise to them because I am bewildered—I am amazed by what I see and hear of late connected with this subject, and I wish more light. At one time I am led to suppose that a fiat has gone forth for the utter annihilation and destruction of the whole banking system, as it has been practised for the last half a century; at another time, and looking to the course of the same party, I cannot resist the conclusion that State banks are to be suffered to exist upon the terms of permitting the establishment of a Government bank to supply a portion, at least, of the circulating medium of the country; and again, sir, I am not at all satisfied that one of the parties to the arrangement are not to be the victims of their confidence in their political friends, and will find that they are duped when it is too late to repair their steps.

Under all the circumstances of the case, the perplexity and mystery in which the whole subject is involved, I am constrained to act upon my own best judgment, with such lights only as chance and observation have thrown in my way. For myself, I regard this bill as one and by far the most important one of that series of measures which has been deliberately planned and brought forward, with a view to wage a war not only against banks and bank paper, but against the whole system of trade, credit, and finance, which has raised this country to its present elevated rank among nations; and I regard this as the bill of supply—the money bill to carry on the war. Pass this bill, and you will enable the Executive to carry out and put in practice whatever system of policy he pleases, whether it be the pure sub-Treasury scheme or a Treasury bank, or a combination of both. I have from the first regarded this as the most important, in every point of view, of all those measures upon which we are called upon to act. I care nothing, comparatively, for any other. It is the pivot upon which all the plans of the Executive, whatever they may be, turn. This bill, or rather the supplies anticipated from it, may be justly regarded as answering all the purposes of the party in power with equal effect to the *pou sto* desired by the famous Greek mathematician. Give the administration the aid which this bill proposes, and they will be able to move this House and this nation at will. It is, in every point of view, such a measure—one involving so many important results of a mischievous character—that

the maxim *obsta principiis* applies with peculiar force. Here, then, I plant myself; here I take my stand, and I will maintain it until I am driven from it by the force of numbers. I earnestly invite and invoke all those who think it safest to meet danger on the threshold—all those who prefer old and established institutions to new and untried expedients—all who prefer a paper circulating medium to the evils of the proposed experiment of an exclusive gold and silver currency—all those who prefer a national incorporated bank to a bank connected with the Treasury, and founded upon the revenues of the Government—all those who prefer bank paper to bills of credit or a Government paper money, to come and do battle with me against this bill.

Mr. Speaker, has any one fully and duly considered, how many, how vast, and how overwhelming are the considerations connected with this question, and the consequences that may grow out of a measure of this nature at this particular juncture? I concur most heartily with the sentiments expressed by the gentleman from South Carolina, [Mr. PICKENS,] the other day, in speaking of the new Treasury schemes which have been recommended for our consideration. I do heartily and truly believe that the destiny of this country, for good or for evil, will depend greatly upon the decision of the questions which they present. The mind fails in an effort to grasp the whole of this important subject; no powers are adequate to do full justice to the great issues which are involved. The argument embraces in its range the fate of the federal constitution, of free Government itself! Of all the causes which in modern times have deeply excited, agitated, and convulsed a people, but few had a more certain, rapid, and fearful tendency to engender a spirit of opposition to the laws and to revolution, than a debased and disordered currency. I need not refer to the examples which past history affords of this nature. I will not even revert to the deep feeling, the intense excitement, which manifested themselves in our large cities, at a recent date, in connexion with this subject; but I will say, that such instances of popular excitement, upon such occasions, ought never to be lost sight of by the statesmen of this country, nor will they be either tauntingly referred to, or slightly regarded by any man who has any just claim to the rank and character of one. What I fear upon this subject is, that we have only arrived at the first stage of this disorder—that greater embarrassments, and yet wider spread mischiefs, await us in the progress of it; that the state of the currency is yet to become a subject of deeper and more permanent discontent; that the blindness of party prejudice, the obstinacy of party interest, and the infatuation of power, will defeat every prudent remedy, and bring on a crisis of open resistance to the laws, and leave the institutions of the country, both local and general, a prey to anarchy. This, sir, is my fear; and I regard this bill as one of the forerunners of a train of measures, on the part of the Government, which are well calculated to lead to this last and most fatal calamity which can befall a country. Mr. Speaker, I warn gentlemen that, if this administration shall be so infatuated as to persevere for any lengh of time in the policy of requiring the public revenue to be collected in gold and silver, and disbursed among the officeholders, contractors, and others, dependent upon the Government, while the only money in use among the people is bank paper, or any other paper of less value than gold and silver—if the distinction shall be attempted to be kept up much longer between the Government and the people—gold and silver for the Government and its trains of officials, and a depreciated paper for the people, resistance must and will come. It is not in the blood of the race of freemen which inhabit this free country to submit long and tamely to so unjust, exacting, and oppressive a course of policy. And let it be borne in mind by every member in this House, who shall record his vote in favor of this bill, that he thereby sanctions this arbitrary and unjust policy of the administration, and draws the line between the Government and the people! Pass this bill, and the Government is put above and made independent of the people; those in power will have the means of carrying out their policy in defiance of the popular will, at least until the people shall again have the privilege of interposing through the elective right. I have seen it stated, that this objection, that any distinction is made by the present course of things between the Government and the people, has been refuted, if not in this House, in another place; but, sir, I have not seen or heard the argument by which it was done, nor do I believe it to be in the power of argument to do any such thing. Again, sir, whoever gives his support to this bill endorses and becomes responsible for the present course and future policy of this administration, in relation to the currency and every other interest connected with it. And let no one delude himself with the idea that there is nothing to be apprehended from the men in power, however mischievous or wicked their designs. Let us not underrate the genius and ability of those who possess the guiding influence over our public affairs at the present juncture. They are profoundly versed in the knowledge of men and of the motives to human action. They are also distinguished for great caution, secrecy, and skill in effecting their purposes. They possess another great advantage over most men who have attained their influence and station in Government and society. They are for the most part entirely reckless of all consequences, except such as relate to themselves, and affect their interests. Such persons--such advantages, are not to be slightly regarded by those who desire to restore the country to quiet and prosperity. Can we who sit here any longer doubt the skill of the administration in carrying their measures? Have the opposition yet succeeded—is there any probability that they will succeed, in effecting a single modification of any one measure of all those which were no doubt prepared before we sat out from our homes, which have been submitted to us merely, as it would seem, that we might confirm by our votes what long since had been resolved upon and fixed by the Executive Department of the Government? No facts, however stubborn or important--no reasoning, however conclusive and unanswerable—have the least effect; the measures must, and, it seems, will be carried. Although, sir, I am not in the habit of relying upon rumors which I hear out of doors, yet I have heard it stated from such respectable sources this morning, that the Secretary of the Treasury has had such entire confidence in the success of every measure proposed at the opening of the session, and, among others, the bill now under discussion, that the plates for printing the notes have already been engraved, and perhaps the notes actually struck off. If I do any injustice to the Secretary, I will openly acknowledge it the moment the statement shall be denied upon his authority. But, sir, if this be the fact, how idle, how absurd, are all our discussions here? Every thing is fixed and settled by an influence and power beyond our control. My honorable friend from Kentucky [Mr. UNDERWOOD] was not aware of the ground upon which he was treading last evening, in proposing his amendment, and in what a dilemma he would have placed the Secretary of the Treasury if he had carried it.

But, whatever may be the destiny of this bill, I will not forbear to show that it is founded upon a pretext which is utterly unfounded. Sir, there is no deficit in the Treasury which it has not been the policy of the administration to produce—which they have not designedly created, and which they cannot amply supply without the aid of this bill. I say, sir, that there is no evidence before us, or before the public, that there is, or is likely to be, any deficiency of means in the Treasury to meet all the demands upon it during the remaining quarter of the year, except

this bill; by which it seems that ten millions of dollars are required by the administration for the public service. Every other circumstance in the conduct of the administration indicates an overflowing Treasury. At the very moment, and during the entire period, within which it might be supposed this alledged deficiency of means in the Treasury would be felt or apprehended, what has been the uniform course of the administration? One of uniform extravagance and profusion, as far as the expenditures of the public moneys are concerned. Need I refer to the evidence furnished by the report of the Chief of the Engineer Department, which has been laid upon our table, that special instructions had been issued last spring that the moneys appropriated should be expended as speedily as possible? Need I recapitulate the facts, that four millions of dollars asked at the last session for the support of the Florida war, are stated to have been already exhausted, and one million and a half more are demanded, and yet the campaign has not opened; that, judging from the accounts which we see in the public papers, and from rumor, seven or eight thousand troops are about being collected to oppose some fifteen hundred hostile Indians and negroes? Does this look like an exhausted Treasury? But we need not go so far for proofs of the true condition of the Treasury. Look around you, sir, and reflect upon the scenes that are passing before our eyes almost every day. How many delegations from far distant tribes of Indians have we seen during this short session, decked out in all the extravagant and fantastic trappings of savage pomp and vanity, come, sir, for the purpose, and according to a now well-established system of policy, of supplying the deficits which have lately been felt in the coffers of some favorite officeholders, jobbers, or agents of some kind, which swarm upon your northwestern frontier? We know, sir, that this has been regarded as a great abuse for the last ten years, yet we see it daily increasing. So imposing and pompous an exhibition of bands of savages from our Western frontier, I believe has never before been witnessed in this city, as during the present short session. We have regular and formal bulletins announcing their movements in all the daily papers of the city; and thousands of the resident and visiting population are frequently entertained by public councils held with them by the Secretary of War, in some of the public buildings in the Court end of the city. It is even left doubtful, whether the interest got up by these exhibitions has not surpassed, for the time, that inspired by the proceedings of Congress, weighty and important as the matters are which brought us together. Well, sir, what has been the result of all this parade and these inventions for popular entertainment? I can only answer, by referring to such sources of information as are within my reach. I observe a statement upon this subject in the Globe a few mornings ago. With permission I will read it for the edification of all true reformists, and all those, especially, who are disturbed at the idea that the Government will not have money enough to keep it together unless we vote this bill.

"The councils that have recently been held with the Sioux of the Mississippi, terminated in the conclusion of a treaty, by which it is at present only proper to say, their title to about five millions of acres of land was extinguished for a consideration of one million of dollars. The tract thus acquired lies east of the Mississippi river, and has been used as a hunting ground, the dwellings of the Indians being on the west side of the river. They still retain the privilege of hunting on the land they have ceded, so that there is but little reason for the sentimental lamentations that some writers on the subject have indulged in."

So it appears that we have given a million of dollars to the Sioux, who reside west of the Mississippi, for their occupant right to a tract of land lying east of that river, which they have heretofore hunted upon, and which, by the terms of the treaty, they are still entitled to use in the same manner! Now, what are we to think of an administration which could sanction such a proceeding, at the very moment when its advocates in this House are putting their inventions to the rack, to prove that there is not money enough in the Treasury to carry on the Government during the remaining quarter of the year? And what are we to think of the sincerity of men, who say, that we are bound, in duty to the country, to vote this supply of ten millions? Sir, I have no personal acquaintance with the Secretary of War. I am informed that he is a gentleman of learning and ability, and far above any improper design, either in assembling the Indians here at the present juncture, or in making unnecessary and extravagant treaties with them; but from my knowledge of the condition of the Indian tribes on the upper Mississippi, and the policy recommended by the most prudent and able men in the public service in that quarter, I am bound to say that the honorable Secretary has been grossly abused and misled in this business, and that the true interests of the country are wholly overlooked by those under whose counsel and advice more than one-half these treaties are made.

So much for the practical evidences furnished by the administration of the exhausted condition of the Treasury. But I will show, in a still more conclusive manner, that the pretext for the passage of this bill is not well founded. The respectable and honorable member from Maryland, and who is also a member of the Committee of Ways and Means, [Mr. McKIM,] has told us with a manly candor, worthy of all praise, that there will be a surplus of means in the Treasury at the end of the year, after satisfying all the actual demands upon the Treasury up to that time, of four millions of dollars. [Mr. McKIM explained, and stated the surplus at three millions eight hundred thousand dollars.] Well, sir, let it be so reduced, and it is still quite large enough. But it is due to that gentleman to admit, that he further stated, that of the funds taken into his estimate, he supposed five millions would be unavailable; but why are there five millions supposed to be unavailable? Simply because that amount was due to the Government from the deposite banks in the Southwest. Sir, is it not in the power of the Government to pay its creditors in drafts upon these banks, in the same manner that it has heretofore done? Is not a protested Government draft upon a bank in Louisiana, Alabama or Mississippi, as saleable in the market, as one drawn upon Philadelphia or New York, or any of the Eastern banks? [Mr. McKIM said no one would take a draft upon the Southwest, if he could get any thing better from the Government, because it required some length of time to have it protested for payment at so great a distance, and he would have to lie out of the use of his funds in the mean time.] I am again indebted to my respected friend from Maryland for his candor. He has only stated what I knew before; but no gentleman who supports this bill has been brought to admit so much before. The facts are too plain for denial or cavil. These protested drafts, the gentleman from New York informed us yesterday, were within one per cent. of being at par with specie in New York. They are selling at a premium of four or four and a half per cent. in currency, and specie at only five. Now, what is it that constitutes the value of these drafts? Not, surely, that they are drawn upon one bank in preference to another. No matter upon what bank they may be drawn, it is known they will not be paid by the bank on demand. It is their being receivable for customs and for public lands which constitutes their true value. If they were drawn upon the man in the moon they would be equally valuable. It is equally plain that the only difference between a draft upon a bank in Mississippi or Alabama, and one upon a bank in one of the Eastern cities, is founded upon the difference of time required to present and protest in the one case and

the other. Let the officers of the Government, then, only say to its creditors, if the truth be so, that they can no longer draw upon any bank, but some one in the South-west, and the whole difficulty is solved; the Government will have ample means to pay all demands upon it, and upwards of three millions of a surplus! Why shall the Government not avail itself of these means to pay its debts? Why will it not? Simply because it is its policy at present, to have the power of throwing ten millions in Treasury drafts into circulation. As to the wants of Government, I repeat, it is an unfounded pretext.

But, sir, there is a much better way yet of supplying any possible deficiency of means in the Treasury, and at the same time of relieving the people as well as the Government. I have said there is no deficit in the Treasury but such a one as the administration, in the exercise of their discretion, and to further their schemes of future policy, had created. I have already shown that, by continuing the practice of drawing upon the deposite banks, as heretofore, the deficit vanishes; but, say the friends of the administration, we want to supply a medium of exchange; we wish to put into circulation a species of paper, in the shape of Treasury notes, which will be a relief to the country just at this time. My remedy for any real or pretended deficit in the Treasury, and the one which is certainly called for by the suffering condition of the country, is to compel the Government to recognise and accredit the only circulating medium which has any existence in the country, by receiving and disbursing the public revenue in it. And the most surprising feature in the history of the times, is that a whole people would so long submit without tumult and open violation of the order of the Executive requiring all dues to the Government to be collected in gold and silver. Gold and silver no longer circulates—they are only to be acquired by purchase and by paying a price regulated like any other article of property, by the proportion between the supply and the demand. They are articles bought and sold just like any other commodity of trade, and have, moreover, been rendered scarce and high by the great demand which has existed to pay foreign debts, and by being hoarded in banks and by individuals. An example of equal daring, on the part of the administration of a Government, does not exist on record. The most arbitrary and despotic monarch that ever sat upon a throne would not have dared to issue such an edict as went forth from the Executive of this Government after the deposite banks suspended specie payment; nor would the power of any such tyrant have been safe under such an experiment. It is only in a Government at least nominally free, and claiming to act in the name of the people, that such a measure could be sustained at all; and, but for the interests of party, which have for some years been paramount to every other in this country, even in this free Government the administration would have been compelled to have convoked Congress, or to have permitted the public taxes to be paid in the circulating medium of the country within one month from the commencement of a different experiment. The present bill proposes to sustain this gross outrage upon the people; the attempt to collect a revenue of twenty-five or thirty millions of dollars, not in the circulating medium of the country, which the Government rejects and spurns, but in an article of traffic, in a species of property which must be bought at any sacrifice, and when it is collected is to be poured into the laps of a favorite and preferred class. No other Government could stand under such an experiment sixty days. I call upon the House, by rejecting this bill, to compel the administration to abandon this unjust, and before unheard-of policy.

I have seen it stated in a beautifully written and specious essay upon this subject, that principle is on the side of the administration on this point. I deny the position. The eternal principles of equality and justice are on the other side.

It does seem to me, Mr. Speaker, that there is a great and prevalent error abroad upon this question. I mean that the acquiescence is too general in the opinion, that Government may be permitted to reject the circulating medium of the country in the collection of its taxes, and coerce a payment in a species of money which is not current. The reason for this forbearance and acquiescence is obvious. A set of men, desperate and daring, and claiming to act in the name of a great and dominant party, have pushed their ultra doctrines so boldly and confidently that the moderate men of their own party, as well as the opposition, have felt too happy at the prospect of closing with them upon terms quite short of their own wishes or views as to what the country requires, merely because they appear well and good when contrasted with the antagonist scheme. Even so much gained, or rather saved, from the reckless and mischievous control of those who are now at the head of affairs is looked upon as a victory! But of what worth is such a victory? What do the conservatives secure to themselves or to the country if they shall succeed in getting their amendments adopted upon the sub-Treasury bill reported in this House? Sir, I would not give one copper for all their amedments put togother. What, if they shall get it enacted that the notes of specie-paying banks shall be received in payment of Government dues—what, though it shall be provided that the public moneys shall still be kept on special deposite in the banks—all their apparent guards will only enable the Executive, if he is so disposed, to execute his policy under safer disguises. Through a thousand channels, impenetrable to this House and the public eye, the numerous collectors and receivers of public moneys can be compelled and constrained in such a manner as to stop any bank the moment it opens its vaults. The policy of the administration may be to make its attacks upon the United States Bank of Pennsylvania, with a view to stifle its operations or destroy it altogether. If success shall attend that operation, all the others will follow in detail, if such be the policy or purpose of those in power. It may be, however, that the vast power which the Executive will possess through the sub-Treasury scheme will only be employed in making war upon such of the local banks as shall be disobedient, or under unsuitable influences, and in this way make the entire State bank interest subservient to the political views of the party in power. In no way can you escape the power of the Executive in carrying out his plans, whatever they may be, if you arm him with sufficient means, and among others the power of supplying a circulation from the Treasury, as it is proposed to do. Mr. Van Buren was never in more danger than he was at the commencement of the session. The danger was that some of his followers would separate from him before he had time to explain. They might suppose that he meant to act upon the doctrines avowed in his message, and before he had time to give the proper assurances in a safe manner, his party might be dissolved. But the gentlemen from New York were soon satisfied, or at least pacified with the assurances that their favorite safety fund association would not be injured. What other assurances they may have received I know not, but I warn them not to be too easily quieted, or to take it for granted that all will be well. I have been a looker on here too long not to gather something from the signs of the times. It is quite evident to me that the party, whatever may be its strength, which is sincerely disposed to destroy all banks, and provide a gold and silver currency, or a currency constituted of Government paper, or one compounded of the two, seeing that they are foiled for the present, and that they cannot succeed here, have determined not to press the question for the present. They want another trial before the people, and our good conservatives, when they least expect an onset, may feel themselves overwhelmed by what is denominated the democracy of numbers.

But to return to the question. What I contend for is, that the Government, at every point where its disbursements are to be made, shall pay in the currency or bank paper which is there current and receivable at par in the payment of debts, or for property and provisions at cash prices. If payments are to be made abroad, or to Indian tribes, which are placed upon the footing of foreign nations, let the gold and silver be bought for these disbursements, at the charge of the Treasury, as it is fit; it being much better that the people should pay this premium for specie in these instances than to be taxed and harassed tenfold by the policy now in operation. If the Government shall do this, there will be an end of all Treasury embarrassments. Well, why shall not the Government be compelled to this course? Is there any practical inconvenience in the plan proposed? We shall see.

Our greatest disbursements, at present, are in a quarter where, it is said, we have the largest amount of unavailable funds—in the vicinity of Louisiana, Alabama, and Mississippi—growing out of the Florida war, and to subsist the Indians west of the Mississippi. In that whole region, or upon the borders of it, the notes of the Georgia, Alabama, Louisiana, and Mississippi banks are current at par. The same state of things exists on the northwestern frontier. The notes of the banks of Illinois, Indiana, Ohio, and Missouri, are current throughout that region. If you want to disburse moneys upon the great rivers of the interior, or upon the great national road which is being constructed through the States of Ohio, Indiana, and Illinois, or upon the harbors of Lakes Michigan, Erie, and Ontario, the notes of the banks of Illinois, Indiana, Ohio, or New York, are current in every part of those districts. If disbursements are to be made at any point upon the Atlantic, at your navy yards, upon your fortifications, or in this city, at all these various points the local bank notes are current at par, in payment not only of old debts, but for property at reduced prices; for, the principal amount of debt in every section is owing to the banks, and the great demand is for bank notes, and not for specie. Thus it is demonstrated there can be no practical difficulty in the extension of the policy called for by the best interests of the country.

Will there be any injustice done the creditors of the Government by this course of policy? The very idea that there can be any injustice, under the circumstances, to the public creditors, is an absurdity. An officer or creditor, under existing circumstances, who receives specie from the Government, gets notoriously ten per cent. advance upon his just and equitable demand. Equal right and justice, in all such sudden changes in prices, produced by a curtailment of the circulating medium of the country, would require that all past contracts for the payment of moneys should be scaled and reduced according to the appreciation of money and the depreciation of property which has taken place since the date of the contract; and our laws do not require this, not because it would not be just, but because of the evils attending a fluctuating standard of money value. But the truth is, that bank notes are, at this day, worth more—they will buy more provisions or property of any kind, at cash prices, than an equal amount of gold and silver would have commanded at any time within the last three or four years. It is no injustice, then, to compel the public creditors to receive bank notes in payment of their demands upon the Government.

But it has been said that it would be unconstitutional and illegal for the Government to pay, or offer to pay, its officers and creditors in depreciated bank paper. Very well, sir; and suppose this to be true, does the Government of the United States stand upon any higher ground in this respect than the millions of freemen for whose benefit, and by whom the Government was established, and who are compelled by a moral necessity, both to receive and pay in this same depreciated currency? And this they are forced to do, not by any default of their own, but by the gross blunders and mal-administration of that arrogant Government which now assumes the power to discriminate, and affects the right to be discriminated, in this respect, from the people. But are the obligations legal or constitutional resting upon this Government—the confederated Government of any higher or more sacred character than the obligations of the same nature which bind the twenty-six States of the Union, and the people in their individual capacities? I call upon gentlemen from every quarter, who are disposed to uphold the character and influence of the States—I call upon the gentlemen of the South; I call upon the gentlemen who represent that ancient and renowned Commonwealth, Virginia, to step forward and maintain the equal honor and respectability of that State—of the old thirteen especially, and to vindicate all the States and the whole people from this attempted disparagement—this gross slight of their just pretensions. Before the administration of the Government of the United States attempts to set an example of constitutional conformity, and of strict honesty in the payment of its debts, let it first restore to the States and to the people that sound condition of the circulating medium, and those ample facilities for effecting their exchanges, which enable them to keep their faith and maintain their integrity and punctuality, and which they enjoyed before the mischievous and baneful project was conceived of reforming the currency, by putting down banks and bank paper, and substituting gold and silver, or a Government paper circulation. Let them do this, and the administration may urge with some propriety the obligations of honor and good faith, to pay their debts in gold and silver; and, until they shall do this, whatever they may profess, the world will conclude, and justly too, that the whole benefit to be derived from this strict regard to legal obligation will accrue to the officeholders, and others who happen to be creditors and dependants upon the General Government. That favored class will receive ten per cent. in addition to their just demands upon the Government. Under the present state of things, the disbursement of thirty millions of dollars annually in gold and silver among the officeholders, contractors, and other creditors of the Government, will put into their pockets thirty-three millions of dollars, in a currency which will pay their debts at par, and enable them to acquire more property than an equal amount of gold and silver could have done during several years past. This will be the mighty result of this new born, puritanic spirit, which appears now to actuate the administration in complying with the obligations of the Government. Their policy will confer upon the officeholders and others, who compose the trained bands of the party in every part of the Union, a bounty of three millions of dollars; and by this measure their allegiance will be secured, and their energies duly stimulated, to sustain an administration so generous and munificent to them.

But does the Government pledge itself that, if this bill passes, no more bank or other paper of less value than gold and silver will be offered in payment of any of the creditors of the Government? I do not understand that the Government comes under any new obligations in this respect; and after we shall have passed this bill, we have no security that some of the public creditors, as heretofore, will not be compelled, at the discretion of the Treasury Department, to take depreciated paper, or get nothing, until it shall suit the convenience of the Treasury. Unless the administration shall come under some higher obligations of principle than they have heretofore recognised in practice, it does not appear but they may still pay one class of creditors in gold and silver, and another in bank paper, or other paper below par. This power of discrimination between different classes of creditors, I regard as one of the most dangerous extensions of Executive patronage in our power to sanction,

and it will lead to the rankest corruption if it is permitted to continue.

It is said the credit of the Government will be affected if depreciated bank paper should be offered to the public creditors; and it is pretended that the passage of this bill is necessary to preserve the credit of the Government. What credit do gentlemen allude to? If it is pretended that the credit of the Government has not already been tarnished—if it is alleged that its credit is not every day stained by offering depreciated paper in discharge of public debts, it is notorious that the facts are against the argument. Bank and other depreciated paper has not only been offered, but in many cases it has actually been put off upon a portion of the public creditors, and some of them the most deserving. A portion of the volunteers of Tennessee were not only tendered, but actually paid in bank paper, depreciated fifteen per cent. below the par of specie, during the last summer, and when, at the same time, federal officeholders, residing just across the line between Tennessee, Alabama, and Mississippi, received their salaries in gold and silver, which commanded a premium of fifteen per cent. in Tennessee currency! After this, let no one say that there is no difference established, under the present order of things, between the governors and the governed—between the Government and the people; nor let it be pretended that this Government has maintained its credit untarnished by the contact of depreciated paper. But, sir, I affirm that the credit of the Government, in a financial point of view, has not been impaired by the payment of bank or other depreciated paper to its creditors. I mean to say, sir, that the credit of this Government, so far as that credit is the result of the public confidence in the resources of the country and the disposition of the Government to pay its debts, stands as high at this moment as at any time heretofore.

This Government can now borrow whatever money may be necessary to its wants at as low a rate of interest as at any time of its existence. [Mr. SERGEANT said lower.] The gentleman from Pennsylvania, who sits near me, says that the Government can now borrow money at a lower rate of interest than heretofore. Then it is clear that the Government has sustained no loss of credit by having paid out depreciated paper up to this time. Why not, then, continue the practice? Why not make it uniform? Why not at once raise all the paper of solvent banks to the same standard of value, and pay all the public creditors in the same medium? There is no reason why they should not, except the determination which exists with the administration to persevere in their fatal course of experiments.

What, Mr. Speaker, is this depreciation of bank paper, which, it is said, is an objection to the policy of receiving it in the collection of the public revenue? Suppose this administration were disposed to restore the currency of the country, and should resolve to receive in payment of all public dues the notes of all solvent banks upon such conditions and securities as shall make the Government perfectly safe, what would the depreciation amount to? By this act of the Government the demand for specie would cease in every part of the Union in a great measure; and, when the foreign debt shall be paid, the difference in value between bank paper and gold and silver would be more nominal than real in all the larger cities. The gentleman from New York [Mr. CAMBRELENG] has told us that in the city of New York, the great emporium of our trade, and the centre of exchange, bank paper is now only about four and a half or five per cent. below par. Let the Government, then, resolve to take it in payment of the customs, and from that moment it will assume nearly par value, and in less than sixty days all the Eastern banks can resume specie payments. The merchants then could pay their bonds; they would ask no more indulgence. Millions will immediately be poured into the Treasury. The Government would be able to indulge the banks in the West, and particularly in the Southwest; and, if the administration should be well disposed, every solvent bank in the Union could resume specie payments in a few months. The demand for specie having ceased, the Government being no longer in the market bidding for it, every serious impediment to the resumption of specie payments will be removed. With the crops of the present year in the Southwest, and with proper indulgence and assistance from the Government, the banks in that quarter need not be long in the rear of the Eastern banks, if at all. Sir, I repeat that this Government, if it is so disposed, can promptly restore the present circulating medium of the country to as sound a condition as it was in before the late suspension. Many of the States would no doubt guarantee the safety of all the paper of the banks within their limits now in circulation. Every solvent bank would furnish satisfactory securities, and all would come under such conditions as would guaranty, both to the Government and the country, that no advantage would be taken of the credit thus given to their paper by adding to the amount already in circulation. Then, sir, we should no longer see in this free country the Government harassing and oppressing its citizens by collecting its taxes in gold and silver, to be distributed among those who have the good fortune to be engaged in the public service, while the great mass of the people have no other currency in use among them but bank paper; a state of things which, for the honor and character of free Government, ought not to be permitted a day longer than a remedy could possibly be applied.

Then, sir, as a measure of coercion against the administration—as a measure of compulsion—I would reject this bill. We know the administration is hostile to the present circulating medium of the country; that hostility is avowed distinctly in the message. In the newspaper organs of the party, and from a hundred different sources besides, we learn that it is the policy of a large party in the country to make banks and bank paper as odious as possible among the people, and finally to break them down. It is, then, the policy of this party to prevent the banks from resuming specie payments; it is their policy still further to cripple the operations of the banks. To compel the Government to take the course, therefore, which the public good requires, and that is to improve the condition of the present circulation of the country, I would withhold my vote from this bill, if there were no other reason in my mind to justify that course. Withhold the aid required by this bill, and all will be well in ninety days; the Government will be compelled to receive and pay out bank paper, and that is all that is necessary, under proper limitations and precautions, to bring about a general resumption of specie payments by the banks.

The chairman of the Committee of Ways and Means has informed us that one object to be accomplished by this bill will be to supply a medium of exchange, a species of paper which we will find very convenient, and a great relief at this time in the West. I can inform the gentleman that he will do a much greater service to the West by taking Eastern bank notes and disbursing them on our Western frontier. These notes would furnish a cheaper remittance than any Government paper that can be created, and they answer all the purposes we desire. But, sir, I know but too well the real grounds upon which this bill is urged through Congress. It is not because the Government cannot get along without it; it is not because there is any particular interest felt in relieving any particular section of the country. It is because, by this measure, and this measure alone, the administration can venture upon any new experiment upon the currency and finances of the country. This is a principal motive. Another one is, beyond all doubt, to furnish a medium of exchange between the different sections of the Union, so as to silence,

if possible, the clamors of those who are continually declaring that we must have a national bank. The first great measure of relief which the country requires, is to restore the existing paper currency to a sound condition. There can be no substantial relief until this is done. I need not tell gentlemen how this can be done. They know well enough how it could be done. As to the question in what manner and by what agency the exchanges of the country are to be regulated, and a suitable medium for this purpose supplied, it need not now be discussed. Upon the subject of a national bank, although I am prepared to give my support to the establishment of one whenever it shall be wise and expedient to make the attempt, yet I am by no means so sanguine as some of my friends upon this floor, that such an institution will be established, at least for a long time to come. Although I represent a section of the country which suffers great embarrassments for the want of an institution of that nature, yet I have felt it to be my duty to advise them that they were probably destined to suffer still greater embarrassments before their wishes could be realized in this respect. As for any relief of that nature from the present Congress, I informed them, before I set out for this place, that there was no hope. The state of parties—the various conflicting interests in the different sections forbid the expectation. My opinion of the remote prospect which exists of the establishment of a national bank, is strengthened by the circumstance that the States of Virginia, South Carolina, Georgia, and Alabama, have so united and combined their financial interests with their respective banks, as to create a general opposition to any institution which threatens to diminish the profits of local banking, and thereby curtail the local revenue. For these various reasons I have not relied upon a national bank as a means of relief at the present time. I am prepared to go all proper lengths in the support of such measures as in my judgment will bring present relief, without entailing upon the country permanent evil; of this last description I regard the measures proposed by the present administration—such I regard the bill under consideration to be. To attempt a relief by the issue of a Government paper, I believe will be a fundamental, a fatal error; not, sir, because the Government cannot supply a very good circulating medium for the present—not that the Government cannot administer present relief to any extent that may be desired, but because I feel the strongest conviction, that more intolerable mischiefs will grow out of this mode of relief ultimately than any we now suffer. Yes, sir, I believe this Government can supply a circulating medium, cheap, convenient, safe, and abundant. I say safe in a mercantile sense; the paper in the power of the Government to issue might answer all the purposes of currency and exchange, without the danger of pecuniary loss; at all events, until the power to issue paper money should be abused by exceeding the demand; but, sir, in every other sense that can occur to the imagination, such a currency would be utterly unsafe—unsafe to the purity and economy of this Government—unsafe to the rights of the States—unsafe to the constitution—unsafe to the liberties of ourselves and our posterity. But still the Government can give present relief. Yes, sir, it can supply a perfectly sound medium of exchange. It could, if the administration were desperate and wicked enough, and it should continue as heretofore to be sustained by a dead majority in both Houses of Congress—it could issue Government paper sufficient to supply the entire circulation of the country; and whether such a design be already formed or not, it is because I see in this bill, and its natural tendencies, enough to put us upon our guard; enough to awaken our suspicions that the administration are meditating such a policy, and that this bill is intended to be the precursor of others more objectionable, that I would set myself against it, whatever relief it may hold out for the present.

I must say a word or two to those gentlemen in this House who are understood to differ with the President in his views upon the subject of the sub-Treasury scheme, although they belong to the same political party; if they mean to be the protectors or conservators of any thing else but the contemptible and paltry interest of money and bank stock, they will not, upon this question, desert the interest of the great body of the people, and especially of the debtor or weaker class, and unite with the enemies of both. It is not certain if in their zeal to come to some compromise of the threatened scism of the party, and by agreeing to exclude all bank notes from this time forth, unless they are convertible into specie on demand, they have not already sacrificed the darling interest of bank stock and bank dividends. They certainly put it into the power of the avowed enemies of the banks, (I mean the gentlemen now at the head of affairs,) to manage and control the new fiscal system, with whatever modifications it may be adopted, so as to make it produce the result most favorable to their wishes; and, rely upon it, if they continue hostile to the banks and to bank paper, the new Treasury machinery, whatever it may be, will be so managed as to bring both into disrepute. Let gentlemen take warning of the fate of the deposite act of 1836. That act, unfortunately for the country, was committed to its enemies to execute, and the whole country has been made to suffer, that those who foretold evil therefrom might acquire credit for sagacity. Nothing can be more certain, in my judgment, than this proposition, that the banks cannot resume specie payments at all while the administration, or, which is the same thing now-a-days, while the Government continues hostile to them. It is my opininion that, without the active interposition of the Government—without actual aid from the Government, the banks cannot resume; but, sir, suppose a majority of Congress shall agree to pass the sub-Treasury scheme in such shape that the collectors and receivers of the public revenue shall be compelled to receive the notes of specie-paying banks at par, if it shall be the policy of the executive department of the Government still to carry on the war against banks and bank paper, and especially if it shall enter into the plans of the Executive to convert these sub-treasuries into branches of a great central office in this city, which is to supply a circulating medium founded upon the credit of the Government, can a doubt exist as to the perfect ease with which the banks may be managed or controlled either way? If it shall be thought best that they never shall resume the payment of specie, what power will exist in the country to counteract the secret orders of the Executive, acting upon and through his dependants and creatures in every collection district? and what bank would be able, in the face of such a powerful enemy, to resume the payment of their notes in specie? But it may become the policy of the foes of the State banks to favor the resumption of specie payments, that they may the more easily prostrate them; it may become necessary to the execution of their plans, that the banks should resume, that their vaults should be opened, that those of the sub-treasuries may be filled. If the banks should resume, and the Government should continue hostile to them, no support they could extend to each other—no combination of interests on their part, could prevent the Government from shutting up the vaults of one after another until all shall have failed. There is no escape from the designs of the Government, if it shall continue hostile to the present banking system, until the people shall change the administration, or unless you refuse to grant the supplies necessary to the war, or, in other words, unless you reject this bill and reduce the Government at once to the necessity of resorting to the use of the same currency which the people are obliged to put up with.

I desire it to be understood, that I stand here the supporter, not of the banks, but of the country, in making

opposition to this bill. As for the bank stock interest, and those whose course is dictated by the grovelling policy of preserving the State banks, for the sake of themselves, or for the sake of individual interests, I know not whether I would most pity or despise them. If I were to consult my own personal feelings, I would not suffer an incorporated bank to exist; but, sir, it is the various interests with which these banks are connected; it is the general interest; it is the interest alike of merchant, farmer, and manufacturer; of the laborer as well as of the capitalist, that they shall be protected against the hands which are now uplifted to destroy them.

I regard the proposition to issue Treasury notes, to supply any alleged deficit in the Treasury, and at the same time to supply the circulation of the country, at this particular period, as one of the most mischievous and wicked projects that could be resorted to under any circumstances. The bad tendency of it cannot be doubted, and the bad results are almost as certain. In the first place, this is a resort which ought to be reserved and held sacred for those high emergencies which happen to all nations, at some period or other in their history; emergencies growing out of a state of war; such as threaten danger to the liberties and independence of the country. Then, and then only, should the Government exercise the power of making money, or availing itself, at once, of its power and its credit, by issuing its own notes. The example, in time of peace, is a bad, and may become a fatal one. The object now to be accomplished, and which need not again be pointed out, is sufficiently objectionable, but the consequences which may, and probably will, follow from it are appaling. If there is any member in this House, who considers that economy in the Government ought to be cherished and supported—if there be any who hold that there is any thing in the idea of reform but a mere name, a catch word, to mislead the people; if there are any who think that there is any danger to be apprehended from the increase of Executive patronage, I call upon them to reject this bill. I appeal to the gentlemen of the South—I appeal especially to that portion of them who are the advocates of States' rights, and who would maintain their due influence in the confederacy, to oppose this measure. I call, more especially, upon those who believe that the greatest danger which threatens our system, is a concentration of all power in the General Government, to unite with me in going against this bill. Has the idea of consolidation lost all its terrors? Have all fears of such a result subsided in this House? If there are any remains of that spirit yet left, which in former times filled this hall with remonstrances upon this subject, it is time it should arouse itself. This bill is prepared under the most artful disguises, and the avowed object is attractive and seductive; it is urged as a measure of relief to the people as well as to the Government; it is said that it will furnish a medium of exchange, which will tend greatly to relieve the interior and Southwest. I for one, sir, was not taken by surprise by the introduction of this measure. I foresaw the probable attempt to establish a Treasury bank, and I warned my constituents, during the summer, that the administration might seek to repair the mischief their folly had done the country, by the establishment of a Government bank. I had the high gratification of addressing a large assembly of freemen of my district, not long since, when I took occasion to state to them, that, although no relief could be anticipated from the early establishment of a national bank, yet that the embarrassments which they labored under could all be removed by the administration, by the party in power, if they thought proper; but when I explained to them the means by which it might be attempted; that it would be by issuing a Government paper, and, in effect, by establishing a bank founded upon the credit of the Government; and when I appealed to them in behalf of those higher and dearer interests which would be put in jeopardy by such a measure of relief, and called upon them to say whether they were not prepared to suffer still greater evils than those which now oppressed them—whether they were not ready to sacrifice half their estates and property, before they would accept present relief at so much risk to the constitution and public liberty, the general exclamation was: "we will sacrifice the whole first!" Of such materials are the farmers and mechanics, whom it is my pride—nay, sir, my glory, to represent upon this floor.

We hear the severest denunciations pronounced against a paper currency every day upon this floor, yet we are about to add to the stock of paper money now on hand in the country; and while the whole Union is filled with the clamor which has been artfully excited against all banks, the nation, in my opinion, is upon the eve of seeing established, under the disguise of sub-treasuries, at every important commercial point, branches of a great central bank, located in this city, founded upon the public revenues, and under the control of the Executive Department of the Government!

I happen to know, Mr. Speaker, from a source entitled to the highest confidence, and I presume you, sir, know quite as well as myself, that the war commenced upon the Bank of the United States in 1829, by the late President, was entered upon with a determination to establish a bank upon its ruins, founded upon the revenue and credit of the Government. I happen to know that the election of a highly distinguished gentleman of the State of Tennessee to the Senate of the United States was urged by a high public functionary, upon the ground that he would be highly useful to him in executing his plans in relation to a new bank. How long these original views of the late President continued to operate I cannot undertake to state. I had sufficient reason to hope that in 1832 the original design of the President was laid aside, or considerably modified. Judging from certain letters which appear to have emanated from the Hermitage, of a very late date, I would infer that the policy of establishing a Treasury bank had been wholly abandoned in that quarter; but, sir, even as late as last summer, there were some symptoms of an abiding determination to carry out the scheme which was commenced in 1829. The tone of one of the leading journals in that State, and more particularly the course of a gentleman long a member of this House, in his canvass during the summer, were striking facts, and they did not pass unobserved. The gentleman to whom I allude has been reputed to be in the confidence of the late and present administrations, and he openly avowed his intention to support a bank founded upon the credit and revenue of the Government. But, why should I refer to circumstances, to conjectures, when, by referring to the report of the Secretary of the Treasury, we shall find the idea of a Treasury bank fully developed and openly recommended, not in name, indeed, but under such feeble disguises that none can mistake the true object? I will quote, in confirmation of what I have said upon this point, a single paragraph from the report of the Secretary of the Treasury. After stating that it is in the power of Congress to furnish "some paper medium of a higher character and other than what now exists," and which "can be readily secured without treading upon the debatable ground of either the power or the policy of chartering a national bank," he proceeds to state that "certificates, not on interest, but payable in specie to bearer or order, as well as being receivable for all public dues, could be authorized to be given in payment to the public creditor, whenever preferred by him, and sufficient specie existed in the Treasury. This kind of paper would be very convenient in form, and would differ very little from the drafts now in use on banks, except being drawn on a known specie fund, and expressing on its face not only

this, but its being receivable, in the first instance, for all public dues. It would possess the highest credit allowable in society."

Sir, after this development of the plans which have been considered at the Treasury, who will be found hardy enough hereafter to deny that a Treasury bank is not to be—will not be, supported by the party in power?

Regarding it thus as the settled policy of a large and powerful party to establish a bank connected with the public Treasury, and to supply a circulating medium of the country with paper issued directly by the Government, I shall consider the republic in danger until this crisis is past. If, sir, you do no more than pass this bill, you set an example of the most dangerous nature. Once establish the practice of supplying all real or alleged deficiencies in the Treasury by issuing Treasury notes, and it cuts off all hopes of retrenchment—of limitation or moderation in the public expenditures. When an appropriation of money shall hereafter be asked for some new and extravagant work of internal or other improvement, we shall have the objection no longer urged upon this floor that the state of the finances will not admit the expenditure; that there is no money in the Treasury. Every one will know that the fact is not so; that, for the cost of the plates and paper, the Government can make as much money as we desire for every purpose. The argument that we are in want of money will be clamored down. We shall be enabled forthwith to buy all the Indian lands between the Mississippi and the Rocky Mountains—to enrich all the agents, jobbers, traders, and other favorites upon the whole Western frontier. We can construct as many artificial harbors upon our lake and Atlantic borders as we desire. We shall be able to erect a chain of artificial fortifications upon our whole frontier boundary, on such a plan as to defy the approach of a foreign enemy. We shall be able to place all our public establishments upon a scale of magnificence and grandeur corresponding with our great name and boundless resources; for there will, for a long time, be no want of money in the Treasury. We shall, indeed, have a splendid Government, and be able to challenge the admiration of all the nations; but, whether our wisdom or our folly will most astonish mankind, I leave it for the advocates of this bill to determine. Whether we shall long remain a free people will soon cease to be a question. Sir, when we shall once have set the example of replenishing the Treasury, upon any alleged emergency in time of peace, by issuing Treasury notes, the practice will become permanent. In a Government like ours, we shall never be able to retrieve a false step like this; we shall never be able to correct a policy which will be entwined with so many interests, until a revulsion shall come, which shall shake, ay, prostrate the now seemingly solid columns which support the fabric of our liberty in the dust.

Mr. BELL made some remarks upon the subject of the connexion between commerce and the banking system in this country, and showed how much of the prosperity of the country depended upon the credit system; and concluded by moving to strike out the enacting clause of the bill.

Mr. CAMBRELENG asked for the yeas and nays; which were ordered.

Mr. BRONSON said he felt unwilling that the question should be taken on the motion now pending, and that the bill should finally pass from this House, without giving his views upon the measure under consideration; and, from the peculiar character which this debate had now assumed, and particularly since the remarks of the honorable gentleman from Tennessee, Mr. BRONSON said he felt more strongly impelled to state some of the reasons which would influence his vote, and which rendered it clear to his mind that the bill under consideration should become a law. I have (said Mr. B.) regarded this measure as one peculiarly calculated to relieve the pecuniary distresses of the country generally, and to benefit the people, as well as to furnish immediate aid to the Treasury; as one which has been viewed in that light by all parties in and out of this House, and even till within the last forty-eight hours, I did not consider that there was any serious opposition to an issue of Treasury notes, or Government stock, in some form. On my journey to this city, I frequently heard it suggested that such a measure would be eminently calculated to give relief, and one which Congress should adopt by all means, if practicable: and, what is worthy of remark, these suggestions, in almost all instances, came from the opposition—from the political friends of those who are now opposing this bill on this floor. After my arrival here, the project was frequently spoken of, and always with favor; in fact, a sentiment decidedly friendly to the measure prevailed here, so far as I heard any expression on the subject, (with one or two exceptions,) until about forty-eight hours ago, and after this bill had been some time under discussion, when suddenly it seemed that new light had broken in upon this matter. Yesterday morning, Mr. Speaker, we heard from New York that specie had fallen in that great commercial mart—that Treasury drafts were worth as much all to about 1 per cent. as specie—stocks rising and trade apparently reviving. There was also, Mr. Speaker, every reason for the public then to suppose, not only that this bill would pass, but that duty bonds would be extended, and further time given to the deposite banks to pay the balances due from them as provided by the bills on your table. Now, sir, it is a little singular that on the receipt of this news, and when it would seem that better times were dawning upon the country, when business appeared to be reviving, and when this and other measures recommended by the Executive, which it might be supposed would pass this House, appeared to have the effect to allay excitement and restore confidence—I say it is singular, sir, at such a moment, that a most vigorous effort is suddenly made to defeat this bill, and prevent the issue of Treasury notes, which, on all hands, so far as I have understood, has been viewed as a measure so well calculated for the relief of the country. We have heard much, sir, on the subject of the Government taking care of itself without any care for the people. The measures recommended by the administration have been denounced on this floor as having a single eye to that object, and it has been made matter of complaint here that no measures of relief, for the people were proposed. This, however, has been looked upon as a measure calculated to relieve the people as well as the Government; as a measure that would throw into circulation ten million of dollars, which would be equal to so much addition to the specie capital of the country—furnishing great facilities, either as remittances or domestic exchanges, particularly to all classes of the commercial community. And yet, sir, the moment there is a prospect that this measure will be adopted, and carried too as an administration measure, the whole opposition party are arrayed against it; and unless I have entirely misunderstood the scope and tenor of this debate, their hostility to the measure, if it did not originate on reception of the news from New York above alluded to, it did, at least, then assume a more vigorous, obstinate, and powerful shape, so much so as to impress upon my mind most strongly the belief that there was some connexion between the cause and effect.

Did gentlemen of the opposition suppose that if this bill passed it would immediately give relief, restore confidence, and redound to the credit of the administration? That such will be the effect, to a very great extent, I have no doubt; and I had hoped that this consideration might not be entirely overlooked by the opponents of this bill; or, if noted by them, that it would not add zeal to their opposition. I hope it has not.

Mr. Speaker, I have listened to the debates on this bill,

and given them all due attention; and the various objections which have been raised in the progress of this discussion against an issue of Treasury notes, have received from me attentive consideration.

I was in favor of the project from the first, if the state of the Treasury was such as to warrant it, and I have heard nothing yet which to my mind is a sufficient objection against it. Let us look for a moment to the ground which we occupy in relation to this matter, and the point at which we have arrived in this discussion.

Is it not, sir, a conceded point that the Treasury is nearly or quite exhausted—that in a short time it will be necessary to raise money, either by loan or otherwise, unless the unavailable funds now in hand can be realized? I shall not here go into a review of the financial condition of the country, or the state of the Treasury, as exhibited by the Secretary's report, or the various explanations of that report, which have been made on this floor. I assume the position that there is no money in the Treasury, or that such will be the case very shortly—and that money is needed to carry on the operations of the Government. We are told so by the Secretary of the Treasury, and by the chairman of the Committee of Ways and Means. The whole of this debate has proceeded upon that supposition; and with the exception of the honorable gentleman from Tennessee, [Mr. Bell,] and perhaps one or two others, such has been allowed to be the true state of the Treasury by all who have addressed the House on this subject. There can be no question that such is the fact, and the point that is now presented is simply, in what manner shall we replenish the Treasury; I say merely *the* Treasury, and *not* an exhausted or bankrupt Treasury; for, sir, we have ample resources, as soon as they can be realized, without resorting to taxes or duties. It is only necessary to resort to some temporary expedient to enable the Government to go on and to furnish the Treasury with the necessary means, until the debts due to the Government, and the ample but at present unavailable means which we have, can be realized without unnecessary distress or pressure upon the people.

By the strong vote in this House last evening on the subject of selling the United States Bank bonds, it was unequivocally determined that we would not adopt that measure. We must then call upon the deposite banks for the immediate payment of all balances due from them, and also upon the merchants for the instant payment of the duty bonds, or a resort must be had to the issue of Treasury notes or Government stocks for a short time until those claims can be realized. Can gentlemen devise any other course?

You have now, sir, upon your table a bill postponing the payment of duty bonds nine months, and another allowing time to the deposite banks to pay the balances due from them, neither of which are yet acted upon in this House, but both of which, so far as any opinion has been elicited, meet with universal favor. In fact, sir, I doubt whether there is a member on this floor who is not prepared to support both of those measures; and gentlemen opposed to the administration and to this bill, are supposed to be particularly favorable to those. Can gentlemen of the opposition, then, fail to see the effect that the defeat of this bill must have upon those measures? Are they sincere in desiring a delay upon the duty bonds, and the allowance of further time to the deposite banks, and yet oppose this measure, which if defeated must necessarily result in the defeat of both those bills? Are they willing to assume the responsibility of denying any extension to the banks, or on the duty bonds, which must be the inevitable consequence of refusing to pass this bill? I apprehend, sir, that gentlemen have not duly weighed these considerations, and yet it would seem impossible that they can have overlooked the fact that, by exacting immediate payment of the duty bonds and bank balances, not only the security or safety of the debts might be endangered, but that increased pressure and distress must be felt through all the ramifications of society; and yet, sir, how can that result be avoided if this bill is defeated?

But, sir, another and more weighty objection is now urged to this bill. After it had been debated nearly two days, it was suddenly discovered to be an enemy in disguise; a scheme fraught with all sorts of mischief to the country, and danger to our institutions; in short, an incipient step towards a Treasury bank, as an entering wedge towards a permanent national paper currency. The changes have been rung upon these words, in all forms and shapes, until the ear is weary of the repetition; and, like the old United States Bank, which the gentleman from Massachusetts insisted had become a kind of "stalking horse" in this House, sir, this idea of a "Treasury bank," "a Government paper currency," has become a kind of "stalking horse" to this bill, which is led in upon this floor by every speaker of the opposition, to frighten members out of their votes in favor of this measure. Now, sir, I am as much opposed to a Treasury bank as any of the gentlemen who oppose this bill; and I would go as far in opposing any measure which would be an incipient step towards such an institution, or towards the establishment of an irredeemable Government paper currency, as the most patriotic of them; but, after a very candid examination of the subject in all its bearings, and after a careful perusal of the bill, I cannot discover the lurking dangers with which other gentlemen seem to think it is fraught. I am not able to perceive any foundation for a Treasury bank or for a permanent Government paper currency lurking about the bill, or incident to it. It is, sir, a very plain, intelligible bill, just what it purports to be on the face of it, and meaning nothing more than is expressed; a mere temporary expedient, to enable the Treasury, by an issue of Treasury notes to a limited amount, to fulfil its obligations; thus anticipating the moneys due to the Government, and at the same time to do it without laying any taxes or new duties. The issue of Treasury notes is confined to ten millions, beyond which amount no issue can be made; and, to make assurance doubly sure, I will myself propose the amendment offered in Committee of the Whole, by the gentleman from Maryland, [Mr. Johnson,] limiting the time within which these notes shall be issued to the first of June, 1839, or some other shorter time, so as to throw around the bill all those safeguards necessary to render it, as it is intended to be, and as it purports to be on the face of it, a measure merely temporary. By the passage of this bill, we shall, sir, be able to extend all reasonable indulgence to the Government debtors, at a time when it is not only the interest but the duty of the Government to do so; we shall furnish a temporary circulation which may and will be used, not only as a remittance to Europe, but between the different parts of the Union; which will have a tendency to equalize exchanges, retain our specie from foreign exportation, restore commercial confidence, and in every way relieve the country, without injury to the Government or danger to our institutions. I say without danger to our institutions; for, really, sir, I cannot see the least shadow of foundation for the apprehensions of gentlemen on that point. This is a measure which has before been adopted by this Government, and without any objection as to its constitutionality. It is no new experiment, sir; no trifling with the supposed powers given us by the constitution; but the judicious exercise of those powers clearly granted, and an exercise sanctioned as well by authority of a former Congress, as by sound discretion and a just regard for a suffering country.

But, Mr. Speaker, before resuming my seat, I feel bound to notice more particularly some of the remarks of the honorable gentleman from Tennessee, [Mr. Bell.] That honorable gentleman, sir, addressed himself to vari-

ous interests in this House—to the South and Southwest—and particularly to those members whom he denominated the conservatives on this floor, and invited them most earnestly to come and do battle with him on this field, against this measure. Whether he intended to include me among the members of this latter class, I cannot say; but, at all events, I beg leave most respectfully to decline his invitation altogether. I cannot do battle in any such cause, or in such ranks. But the honorable gentleman says he does not understand the course of the administration party in this House; that he is mystified as to the conduct of a certain portion of the party which he denominates the conservatives; that, on all subjects, they go with the administration, and are uniformly arrayed on this floor in favor of the measures of the administration; that he does not know what to make of it, and he inquires, very significantly, whether they have made peace, and what are the terms; and asks to see the bond of compromise, or to be told what is to be the future course of those whom he calls conservatives.

Now, sir, I shall not affect to misunderstand this, or doubt whether I was one of those members to whom these queries were addressed. I was one of those who voted for Thomas Allen as printer to this House, and neither then nor now, here or elsewhere, have attempted to conceal my vote on that occasion. My reasons for that vote, I am not now called upon to give; this is not the time or the occasion for that, sir; but the fact, perhaps, furnishes a sufficient reason of itself, why I may conclude that the honorable gentleman addresses himself, in part at least, to me. Neither, sir, will I affect to misunderstand the ultimate object of the gentleman's inquiries, and I beg to carry out those queries, and give them the point to which the whole seemed to tend—to arrive at once to the gist of the matter, which the delicacy of the gentleman, and perhaps his disposition to avoid bluntness, induced him to suppress—and which was no more or less than asking myself and others, "do you intend to act with the opposition? will you throw yourselves into the arms of the whigs?" I answer, no! and I thank the gentleman for the opportunity he has afforded me, of answering this question thus unequivocally and unreservedly in the negative. To my friends, no such answer was necessary; but if he, or any other member of the opposition, has supposed from that vote that any such expectation could be fairly entertained, I now take this occasion to put a final extinguisher upon any such supposition or expectation. I speak without authority as to others, and only for myself; but I feel persuaded that I do but speak the well-known sentiments of those members of the New York delegation, whom the honorable gentlemen calls conservatives, or who voted for Mr. Allen, when I say that there are no truer friends of the present Executive on this floor than they are, and none less likely to abandon their principles or their party. They were elected as the friends of the present administration, and I have no doubt will sustain it in all honor and good faith. For myself, at least, I can say that I shall do so. And though I did differ, on the occasion above alluded to, in the choice of a printer, with some of my political friends, and may perhaps again have occasion to differ with some of them on unimportant or unessential points, or questions of expediency merely, not involving any political principle and not touching the fundamental principles of the democratic party, yet I feel confident that I am surrounded here by political friends, who are too magnanimous, and who have too high a respect for personal independence and freedom of opinion, to look upon every difference of opinion as a difference of principle; who do not consider that party faith means party servility; and who will respect honest differences of opinion, and not, as a test of party faith or political integrity, exact a blind and slavish obedience to every whim or project which any or every member of the party may bring forward. I stand here, sir, as the representative of a free constituency, to act as becomes a freeman, and to represent my constituents faithfully, so far as I am able to do it. I was elected as a friend of the administration, and by its friends; and while I have the honor of a seat here, it will be no less my inclination than my duty, to give to this administration that honorable and hearty support, which, from these circumstances, may be justly expected of me, and which shall be alike consistent with patriotism and principle, and a conscientious discharge of duty.

But, sir, the honorable gentleman from Tennessee asks, what are the terms of compromise between the members of the democratic party on this floor? what is the bond of union?—as though some contract had been drawn up and entered into between the friends of the administration, by which they were enabled to act in concert and harmony in the House; and one could suppose that he expected to see some written instrument, perhaps, with the great seal of state appended to it. I can assure the gentleman that there is no such document in existence, to my knowledge; but should there be, he shall certainly be gratified with a perusal of it.

But there is a bond of union, sir, between the friends of the administration, much stronger and more powerful than any such written instrument; and that bond of union, sir, is the political principles which we hold in common; those principles which were characteristic of the last and present administration; which were promulgated by Thomas Jefferson; which from his day to this time have distinguished the democratic republicans from their opponents, of whatever name or description, and have been sanctioned by the voice of the people, and by the dictates of justice and reason. This is the bond of union between the friends of the administration; and this it is that enables them to act unitedly; and this, sir, is the reason why the honorable gentlemen see such a uniform array on the floor of this House in favor of the administration's measures; and why he will continue to see the same thing so long as those measures are in accordance with those principles, and while they tend (as they necessarily must, when in accordance with those principles) to the welfare of the country, and the permanency of the Union.

I trust the mystery is explained, and that the honorable gentleman will, hereafter, have no difficulty in comprehending the course of the friends of the administration, and the reason for their acting in concert.

I hope, Mr. Speaker, that the motion to strike out the enacting clause will not prevail; but that this bill, as well as the other one now before this House, which I have before alluded to, will pass; and that thereby the most essential and immediate relief will be afforded, (as I verily believe it will,) not only to an almost exhausted Treasury, but more especially to the people generally, whose patience, I fear, is as nearly exhausted as the public Treasury, and who are anxiously looking (and I trust not in vain) for such relief as it is in the power of Congress to afford, and such as we can consistently grant, and which the exigency of the times so imperiously demands.

Mr. HALSTED, of New Jersey, next rose, and had proceeded but a little time in reply to Mr. BRONSON, when the hour arrived for the recess.

### Evening Sitting.

The Treasury note bill still before the House, the depending question being as last stated—

Mr. HALSTED resumed his remarks, and entered into an argument to prove that Treasury notes were bills of credit, and therefore not warranted by the constitution. He quoted the message of General Jackson in 1836, Judge Marshall, and various decisions of the Supreme Court, in support of his position. He was, therefore, unwilling to

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give to the administration the power of issuing Treasury notes, as they evidently had no right so to do.

He contended that the language of the Secretary, and the bill itself, indicated that the notes were intended to form a constituent part of the currency, which of itself was a sufficient objection. He also opposed the bill on the ground that it provided no fund for the redemption of such notes, and quoted authorities to show that Government debts should never be incurred without some specific means being appropriated for their liquidation. It was likewise his opinion that the issue of Treasury notes would prevent the banks resuming specie payment. He could not vote for the bill, because it would lay the foundation of a Treasury bank, and add to the Executive power, so as to enable him to buy up the liberties of the people.

Mr. WHITTLESEY hoped the gentleman from Tennessee [Mr. BELL] would withdraw his proposition, and that the question would be taken on the bill that night, at least some time before 12 o'clock.

Mr. BELL withdrew his proposed amendment.

Mr. RIVES would like the gentleman [Mr. RHETT] to amend further, by making the Treasury notes redeemable twelve months after date, instead of six, as proposed. For his part, he was not willing to pledge the credit of Government, unless it had funds to comply with its engagements. If the gentleman would modify his amendment as suggested, he would vote for it.

Mr. RHETT accepted the modification.

Mr. RIVES said that, when they came there, they were accused by the opposition with having involved the country in difficulty; and, on that account, the opposition had adopted the motto of "hands off," and would propose nothing themselves, nor co-operate with others in adopting measures of relief. One gentleman [Mr. BELL] had told them that morning that they ought not to do any thing. That gentleman was a "parliamentarian," well versed in the rules, and he was accustomed to make use of that skill in order to attain his objects. Indeed, if he had not been misinformed by his friend, had that gentleman (Mr. B.) succeeded in the morning with his amendment to strike out all after the enacting clause, the bill would have been lost; and, by that course, the gentleman would have prevented any relief to the banks or to the nation. It was thus evident that the object was to defeat the bill, without offering any substitute for it. Mr. R. said that, when he came to Congress, he came with the impression that the Government and country were embarrassed; and, divesting himself of all party feeling, he had not stopped to investigate the causes, but was bent on removing the evil. When a house was in flames, the inquiry was, not how it caught fire, but how the fire could be extinguished? So, in the present case, all debate as to the probable cause of the present distress was worse than useless. All little differences should be laid aside, and each member act for the public good. He then referred to a letter written by Mr. Jefferson, in 1813, to his son-in-law, then chairman of the Committee of Ways and Means, wherein he strongly recommended the issue of Treasury notes, and said they would be more useful if not bearing interest than otherwise; also to an act passed in 1815, and various other acts, authorizing the issue of such notes, without a dissentient voice. He thought, therefore, it was a fair inference that their predecessors had no doubt as to the right given by the constitution for the adoption of such measures, when required by the exigency of Government. He believed the passage of the present bill, whether amended or not, would enable the banks to resume specie payments, and afford relief to the merchants and country at large.

Mr. CALHOON, of Kentucky, would vote for the bill, but more willingly if the notes bore interest than otherwise.

The question was then taken on Mr. RHETT's amendment, which was rejected: Yeas 81, Nays 137, as follows:

YEAS—Messrs. Bell, Bond, Boon, Brodhead, William B. Campbell, John Campbell, William B. Carter, Chapman, Childs, Claiborne, Cleveland, Clowney, Connor, Crary, Curtis, Dawson, Davee, Dennis, Duncan, Dunn, Elmore, Ewing, James Garland, Rice Garland, Gholson, Glascock, Jas. Graham, William Graham, Graves, Gray, Griffin, Hammond, Harlan, Harper, Hawes, Hawkins, Herod, Holt, Hubley, Ingham, Jenifer, Henry Johnson, William C. Johnson, Legare, Lewis, Lyon, Martin, McClure, Montgomery, M. Morris, C. Morris, Muhlenberg, Murray, Petrikin, Phillips, Pope, Potter, Rariden, Rhett, Richardson, Ridgway, Rives, Russell, Sheffer, Augustine H. Shepperd, Shields, Sheplor, Sibley, Smith, Stone, Thompson, Towns, Wagener, Webster, A. S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Wise, Yorke—81.

NAYS—Messrs. Adams, Alexander, Heman Allen, J. W. Allen, Anderson, Andrews, Atherton, Aycrigg, Beatty, Beirne, Bicknell, Biddle, Birdsall, Borden, Briggs, Bronson, Bruyn, Buchanan, Bynum, W. B. Calhoun, J. Calhoon, Cambreleng, T. J. Carter, Casey, Chambers, Chaney, Cheatham, Clark, Coles, Corwin, Craig, Cranston, Crockett, Cushing, Cushman, Darlington, Davies, Deberry, DeGraff, Dromgoole, Ewards, Everett, Farrington, Richard Fletcher, Fillmore, Foster, Fry, Gallup, Goode, Grantland, Grinnell, Haley, Halsted, Harrison, Hastings, Haynes, Henry, Holsey, Hopkins, Howard, W. H. Hunter, R. M. T. Hunter, T. B. Jackson, Isaac Jackson, J. Johnson, John W. Jones, Kemble, Kilgore, Klingensmith, Leadbetter, Lincoln, Logan, A. Loomis, A. W. Loomis, Mallory, Marvin, J. M. Mason, Samson Mason, Maury, McKay, R. McClellan, A. McClellan, McKim, McKennan, Menefee, Mercer, Milligan, Miller, Morgan, S. W. Morris, Naylor, Noble, Noyes, Ogle, Owens, Palmer, Parker, Parmenter, Patterson, Patton, Paynter, Pearce, Peck, Pennybacker, Plumer, Potts, Prentiss, Reed, Reily, Rencher, Robertson, Rumsey, Sawyer, Sergeant, Slade, Snyder, Southgate, Spencer, Stanly, Stewart, Stratton, Taliaferro, Taylor, Thomas, Titus, Toucey, Turney, Underwood, Vail, Vanderveer, Weeks, Thomas T. Whittlesey, Jared W. Williams, Joseph L. Williams, Christopher H. Williams, Worthington, Yell—137.

Mr. WISE moved sundry amendments (heretofore indicated) to the bill, which he explained and sustained at length. He proposed to strike out the words "as the Secretary may deem expedient," and to insert instead thereof the words, "as the exigencies of the country may require," in reference to the amount of Treasury notes to be issued. He was also opposed to the issue of the proposed notes with interest. He was of opinion that there was no necessity to issue them at all.

Mr. WISE's first amendment, to strike out and insert as above, was agreed to.

That with regard to the interest proposed was rejected, as were two others immediately following.

Mr. WISE then proposed the following amendment:

*Provided*, That it shall not be lawful for the Secretary of the Treasury, or any disbursing officer of the Government, to pay out or circulate any Treasury note or notes, so long as there remains in the hands of such disbursing officer, or the Treasurer of the United States, any specie or other available funds: *And provided, further*, That the whole amount, or so much of the five millions of dollars as by law is to remain in the Treasury for contingencies, shall be kept on hand in Treasury notes, until the exigencies of the Government shall render their use or circulation necessary.

Upon which he demanded the yeas and nays. Ordered.

Mr. MERCER briefly addressed the House, and sug-

gested some modification to the amendment of his colleague, Mr. Wise.

Mr. WISE acceded to the proposal to modify his amendment, so that, as modified, it would make it the duty of disbursers to pay out specie first, and then Treasury notes.

Mr. CAMBRELENG opposed the amendment as being altogether impracticable.

Mr. WISE was willing to modify the amendment so as to make it conformable with the gentleman's notions of practicability; and he did so alter his proposition as to make it incumbent on the disbursing officers to pay specie or other available funds, to the amount called for, if they have it, before issuing the Treasury notes.

Mr. CAMBRELENG said his objection was not obviated by this additional clause.

Mr. WISE said it probably would not, alter it as he might; and was proceeding with his remarks, when

Mr. CAMBRELENG, sitting immediately behind him, cried out "question!"

Mr. WISE. "Is the gentleman uneasy? Is he suddenly sick?"

The SPEAKER interposed, and

Mr. WISE proceeded. He wished to be courteous to every gentleman in that House, and also claimed the same consideration. He then concluded his remarks in support of the pending amendment, calling on all those who were going, simply and singly, to supply the exigencies of the Government, to sustain it.

Mr. McKAY said a few words in opposition to the amendment, on the ground of its alleged impracticability.

Mr. WISE, on the suggestion of Mr. Fillmore, modified his proposition still further, so as to except such sums from liability to being paid out by the disbursing officers, as shall be necessary for the supply of the mint.

Mr. HOWARD said he would make a remark or two upon this amendment. It proposed to take away all discretion from the Secretary of the Treasury, and compel him to pay specie until the last dollar was expended, before he could issue a single Treasury note. This discretion ought to exist. Specie was more imperatively required for some expenses than others. For example, if a vessel of war were about to sail to a foreign station, she must carry some specie with her. Take the case as of the exploring expedition, which, although it was about to go to what the sailors called the "star pole," yet must necessarily touch at civilized ports, and therefore would require no small amount of specie, in order to be prepared for contingencies. If the necessary sum was in the Treasury, there would be no power to reserve it for this purpose, but the first applicant for payment of a demand at the Treasury would sweep it away, and oblige the Secretary of the Navy to postpone the sailing until he could sell Treasury notes enough to supply the sum wanted. Many other cases of inconvenience might be stated. But further: there was probably no custom-house from Boston to New Orleans in which some specie had not been collected. This was placed to the credit of the Treasurer as soon as received, and was, of course, in the Treasury. Should the proposed amendment prevail, the Secretary would have to ascertain from every custom-house whether there was a dollar there, before he could issue a single Treasury note; and if any amount, however small, was in the hands of any collector, no matter however distant from the place where the expenditure had to be made, the hands of the Secretary would be tied up. The amendment would, in practice, entirely defeat the bill.

Mr. RHETT moved to reconsider the vote of the day before, whereby the amendment of Mr. Underwood, proposing to authorize the sale of the bonds due to the Government from the Bank of the United States, for the supply of the deficiency in the Treasury, as a substitute for the issue of Treasury notes, had been rejected; the mover at the same time giving notice that, if that motion prevailed, he should move for the issue of four and a half millions of Treasury notes, in addition, to make up the amount required for the wants of the Treasury.

Some conversation ensuing here as to the strict order of such a motion, pending another, Mr. WISE withdrew his proposition for a time.

An unsuccessful motion was then made to adjourn.

Mr. CAMBRELENG asked for the yeas and nays on the question of reconsideration.

The question upon reconsideration of the vote on Mr. Underwood's motion to amend the bill, was then decided as follows:

Yeas—Messrs. Adams, Alexander, H. Allen, J. W. Allen, Aycrigg, Bell, Biddle, Bond, Bouldin, Briggs, W. B. Calhoun, J. Calhoon, W. B. Campbell, J. Campbell, W. B. Carter, Chambers, Cheatham, Clowney, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Elmore, Everett, Ewing, R. Fletcher, Fillmore, J. Garland, R. Garland, Goode, J. Graham, Wm. Graham, Graves, Grinnell, Griffin, Halsted, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, R. M. T. Hunter, Jenifer, H. Johnson, W. C. Johnson, Legare, Lewis, Lincoln, A. W. Loomis, Mallory, Marvin, S. Mason, Maury, McKennan, Menefee, Mercer, Milligan, C. Morris, Naylor, Noyes, Ogle, Patterson, Patton, Pearce, Peck, Phillips, Pope, Potts, Rariden, Reed, Rencher, Rhett, Richardson, Ridgway, Robertson, Rumsey, Russell, Sawyer, Sergeant, A. H. Shepperd, Shields, Sibley, Slade, Southgate, Stanly, Stone, Stratton, Taliaferro, Thompson, Underwood, Webster, A. S. White, J. White, E. Whittlesey, L. Williams, S. Williams, J. L. Williams, C. H. Williams, Wise, Yorke—110.

Nays—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Borden, Brodhead, Bronson, Bruyn, Buchanan, Bynum, Cambreleng, T. J. Carter, Casey, Chaney, Chapman, Cilley, Claiborne, Clark, Cleveland, Coles, Connor, Craig, Crary, Cushman, Davee, DeGraff, Dromgoole, Duncan, Edwards, Farrington, Fairfield, Foster, Fry, Gallup, Gholson, Glascock, Grantland, Gray, Haley, Hammond, Harrison, Hawkins, Haynes, Holsey, Holt, Howard, Hubley, W. H. Hunter, Ingham, T. B. Jackson, J. Jackson, J. Johnson, N. Jones, J. W. Jones, Kemble, Kilgore, Klingensmith, Leadbetter, Logan, A. Loomis, Lyon, J. M. Mason, Martin, McKay, R. McClellan, Abra. McClellan, McClure, McKim, Miller, Montgomery, Morgan, S. W. Morris, Muhlenberg, Murray, Noble, Owens, Palmer, Parker, Parmenter, Paynter, Pennybacker, Petrikin, Phelps, Plumer, Potter, Pratt, Prentiss, Reily, Rives, Sheffer, Sheplor, Smith, Snyder, Spencer, Stewart, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Vanderveer, Wagener, Weeks, T. T. Whittlesey, J. W. Williams, Worthington, Yell,—113.

So the House refused, by a majority of three votes, to reconsider its decision.

Mr. WISE then renewed his amendment, as modified, to except the superintendent of the mint.

Mr. W. called for the yeas and nays on this amendment; which were ordered.

Mr. THOMAS said the gentleman from Virginia [Mr. Wise] has appealed to all members who are not now for commencing a Treasury bank to vote for his amendment. Now, sir, I am of that class; I am for the Treasury note bill as a means to replenish the Treasury and provide for the execution of the money contracts of the Government. I shall vote in good faith for the bill, as a bill of supplies, and think that the Secretary would be guilty of a misdemeanor if he should execute the law as if it had been passed to furnish a paper circulation to the country. But I cannot vote for the amendment to guard against the construction which the gentleman fears will be given to this

measure. He proposes to forbid the Secretary, the Treasurer, and all disbursing officers, to issue or circulate one of the Treasury notes while the Treasurer or the disbursing officer has either gold or silver on hand. A very few words, I think, are needed to make it manifest that such a provision in the law would make it impracticable for the officers of Government to accomplish the purposes for which it is designed.

Before the policy was adopted of leaving in the mint a large amount of money, to increase rapidly the gold coinage, it was considered prudent to keep in the Treasury at all times a surplus of at least two millions of dollars. Notwithstanding the earnest desire felt in Congress after the war to pay speedily the public debt, the commissioners of the sinking fund, authorized to purchase the evidences of the public debt, were required to leave at all times in the Treasury at least two millions of dollars. It was then supposed to be indispensable to have that amount of money always in the Treasury. In 1836, when the deposite law was passed, the authors of that measure directed the Secretary to retain five millions of dollars in the Treasury, supposing, obviously, that a less sum would not be sufficient to supply our numerous disbursing officers with small sums in anticipation of demands, and at the same time keep the mint in active operation. It is now proposed to abandon this uniform policy, and to prohibit the Treasurer from keeping on hand any surplus whatever, except the money needed by the mint. The Secretary, and all other officers, are to be forbidden to issue or circulate a Treasury note to raise supplies, until all the money in the Treasury has been expended. Let us see how such a rule, if prescribed for the government of those officers, would operate.

All the money in the various depositories is in the hands, in contemplation of law, of the Treasurer. Portions of it are in this city to pay officers of Government and laborers on the public works at this point. Other portions are in New York to fit out the expedition for the South Seas. There are, at the same time, considerable sums of public money in depositories near to the northwestern and southwestern frontier, to pay Indian annuities, or the several corps of our army stationed on that border of the Union. At these and other points throughout the Union the Secretary of the Treasury must take care to keep a constant supply to meet the demands that are to be made on officers employed to disburse the public money. If this amendment could prevail, what would be the condition of this high officer, charged to provide for the prompt fulfilment of almost innumerable contracts? He might, on the fifteenth of this month, learn that five hundred thousand dollars would be required in New York on the first of November next to complete the equipment of the South Sea expedition. On the same day he might receive information that one hundred thousand more would be required on the fifteenth of November at St. Louis, to pay the army in that vicinity, or the annuity to Indians from whom we have purchased vast tracts of rich and fertile lands. Well, sir, he refers to the books of the Department, and finds that the Treasurer has on hand, that is to his credit, fifty thousand dollars in the Bank of the Metropolis, intended to pay the laborers employed on the public buildings. He finds, perhaps, that there are also to the credit of the Treasurer small sums, at various other points, intended there to meet the engagements of the United States: what would, in such a state of things, if the amendment could be adopted, be the duty of the Secretary and of the Treasurer? Those officers would not, of course, request the disbursing officers at New York or St. Louis to wait until all the money standing to the credit of the Treasurer elsewhere had been expended. But it would be incumbent upon them to do an act not much more reasonable. They would have to draw from dispersed depositories moneys standing to the credit of the Treasurer, to be sent to New York and St. Louis, and then issue Treasury notes to borrow money to be distributed amongst the depositories which had been exhausted. They would possibly have to encounter the expense and inconvenience of transmitting gold and silver from Richmond, Pittsburg, Washington, Baltimore, or elsewhere, to New York, and then, having exchanged the Treasury notes in the last named city for gold and silver, it would be sent back to the points first mentioned, so as to be conveniently disbursed.

These are some of the objections that have occurred to me on the instant to the motion of the gentleman from Virginia. They are to my mind conclusive against its adoption. The amendment appears to be founded upon the supposition that all the debts from and to the United States are to be paid at one point. Even if that was the case, the rule which it is intended to establish would be extremely inconvenient to the officers and to the creditors of the United States. But until the system which has been adopted for the convenience of all concerned, in the receipt and expenditure of the public revenue, shall be abandoned—and this I suppose no man proposes—it will be impossible to administer well the Treasury Department without a surplus of several millions of dollars. If large banking corporations have not always at command unemployed capital of two, three, and in some cases eight and ten millions of dollars, their directors are justly charged with a culpable carelessness about the credit of the institutions committed to their care. We are in part the managers of an immense body politic, having engagements to be executed in every quarter of the globe, and must not refuse to make ample provision to keep the public faith untarnished. The bill before the House has been conceived in a proper spirit. It places within the reach of the Executive all that may be needed, and nothing more. I do not apprehend that the power to be conferred on the President and the Secretary will be abused. Large sums of money will not be withdrawn from circulation to be locked up in the vaults of the public depositories. So believing, I shall vote against the amendment that distrusts, and for the bill which confides in, the capacity and patriotism of those to whose custody I have cheerfully assisted to commit the highest and most important powers of Government.

Mr. WISE then modified his amendment by inserting at the end thereof the words "at the place where the demand is made."

The question was then taken, and the amendment rejected: Yeas 96, nays 118, as follows:

YEAS—Messrs. Alexander, H. Allen, J. W. Allen, Aycrigg, Bell, Biddle, Bond, Briggs, W. B. Calhoun, J. Calhoun, W. B. Campbell, W. B. Carter, Chambers, Cheatham, Childs, Clowney, Corwin, Cranston, Crockett, Curtis, Darlington, Dawson, Davies, Dennis, Dunn, Elmore, Everett, Ewing, R. Fletcher, Fillmore, J. Garland, R. Garland, Goode, J. Graham, W. Graham, Graves, Grinnell, Griffin, Halsted, Harlan, Harper, Hastings, Hawes, Herod, Hoffman, Hopkins, Jenifer, H. Johnson, W. C. Johnson, Lewis, Lincoln, A. W. Loomis, Lyon, Mallory, Marvin, S. Mason, Maury, McKennan, Menefee, Mercer, Milligan, C. Morris, Naylor, Ogle, Patterson, Pearce, Peck, Phillips, Pope, Potts, Reed, Ridgway, Robertson, Rumsey, Russell, Sawyer, Sergeant, A. H. Shepperd, Sibley, Slade, Southgate, Stanly, Stone, Stratton, Taliaferro, Thompson, Underwood, A. S. White, J. White, E. Whittlesey, L. Williams, S. Williams, J. L. Williams, C. H. Williams, Wise, and Yorke—96.

NAYS—Messrs. Adams, Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Borden, Broadhead, Bronson, Bruyn, Buchanan, Bynum, Cambreleng, T. J. Carter, Casey, Chaney, Chapman, Cilley, Claiborne, Clark, Cleveland, Coles, Connor, Craig, Crary, Cushman,

Davee, Deberry, DeGraff, Dromgoole, Duncan, Edwards, Farrington, Fairfield, Foster, Gallup, Gholson, Glascock, Grantland, Gray, Haley, Harrison, Hawkins, Haynes, Holsey, Holt, Howard, Hubley, W. H. Hunter, R. M. T. Hunter, Ingham, T. B. Jackson, J. Jackson, J. Johnson, N. Jones, J. W. Jones, Kemble, Kilgore, Klingensmith, Leadbetter, Logan, A. Loomis, J. M. Mason, Martin, McKay, R. McClellan, A. McClellan, McClure, McKim, Miller, Montgomery, Morgan, S. W. Morris, Muhlenberg, Murray, Noble, Noyes, Owens, Palmer, Parker, Parmenter, Patton, Paynter, Pennybacker, Petrikin, Phelps, Plumer, Potter, Pratt, Prentiss, Rariden, Reily, Rencher, Richardson, Rives, Sheffer, Shields, Sheplor, Smith, Snyder, Spencer, Stuart, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Vanderveer, Webster, Weeks, T. T. Whittlesey, J. W. Williams, Worthington, and Yell—118.

Mr. WISE then said he should not now offer his other amendments.

Mr. McKAY moved to add a new section to the bill, the object of which was to prevent receivers of public money from charging the Government more interest on these notes than was actually due at the time they came into their hands; which was agreed to.

Mr. BRONSON moved an amendment that the time to which the issue of these notes should be extended should not be later than the 31st of December, 1838; which was agreed to.

Mr. UNDERWOOD proposed to amend the bill so as to defer the issue of the Treasury notes, except for the amount of $3,500,000, until after the Government bonds, held by the Bank of the United States, shall have been sold: provided that, if those bonds are not sold at the expiration of three months, then the Treasury notes, to the amount of ten millions, are to be issued, as proposed by the bill.

Mr. BYNUM suggested that this proposition was out of order, under the rules, being in substance the same as the one already rejected.

Mr. UNDERWOOD showed that the present proposition differed from the other, inasmuch as it stands now by itself, while before it was blended with another, which might have affected the action of the House materially upon it.

The SPEAKER decided that that was the proper view of the question, and that the amendment of Mr. Underwood was in order.

Mr. LEWIS would inquire if Mr. Underwood's proposition included the requirment of interest on the notes?

Mr. UNDERWOOD did not mean to interfere at all with that question in his amendment; seeing the sense of the House to have been very clearly expressed on that point already.

Mr. LEWIS was opposed to the proposition. He wanted the notes issued to be notes for circulation, without interest. This was the only way to make them instrumental in the relief of the country so much demanded.

Mr. THOMPSON spoke in favor of the amendment.

At this point of the debate, a successful motion was made (10 o'clock, P. M.) to adjourn. Yeas 117, nays 80.

So the House adjourned.

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Monday, October 9.

An unusually large number of petitions and remonstrances in relation to the annexation of Texas, and the abolition of slavery in the District of Columbia, were presented by gentlemen from different States.

## RULES AND ORDERS.

Mr. MERCER, from the Select Committee on the Rules and Orders, presented a report from the Select Committee on the Rules, with additional rules: the first, providing that the hour at which every motion to adjourn is made shall be entered on the journal of the House: the second, that after the motion to adjourn has been carried, no member shall leave his seat until the Speaker has left his.

Mr. DUNCAN, objecting to the latter rule, put the case that the Speaker might see fit to occupy his chair all night.

Mr. BYNUM thought the rule would reduce the House very much to the appearance of a country school. The first rule was not objectionable, but he did object to the second.

Mr. MERCER said that what the rule proposed was the custom in the Legislature of Virginia; that it prevented indecorum, &c.

Mr. BYNUM still objected. He thought the House had gone full far enough in banishing the sale of spirituous liquors from the Capitol, and making members sit uncovered. The time had gone by for such servile deference to the Speaker of the House as was proposed. Gentlemen were not responsible here, but at home, for their morals. The gentleman from Virginia had told him the committee intended to bring in a rule to prevent chewing tobacco, and spitting in the House.

Mr. MERCER said he had told the gentleman he would like to see this done, not that the committee were about to do it.

Mr. BYNUM said it was all the same. There was no knowing where this thing would stop. He moved a division of the question, so as to take it separately on each proposition reported by the committee.

Mr. HAYNES disagreed with Mr. Bynum. He thought the question presented by the proposed amendment not of morals, but manners.

The 1st rule was adopted; and the question being upon agreeing to the second—

Mr. ADAMS did not see the use of the proposed rule, in relation to members keeping their seats after the adjournment had been declared. The disorderly time was before the declaration was made; when the motion was first started. And, besides, it would operate to keep members in their seats much of the time when they wished to be freely circulating through the hall. It would tend to abridge the privileges of influential gentlemen in directing votes, &c.

The question was then taken on agreeing to the second rule reported, and decided in the negative.

## UNITED STATES, MEXICO, AND TEXAS.

Mr. ELMORE offered the following resolution:

*Resolved*, That, in addition to the 10,000 copies of the correspondence for the annexation of Texas to to the United States, ordered to be printed, there be 10,000 more copies printed, to which shall be annexed, from the correspondence "concerning the boundary between the United States and the Mexican Republic, and a cession of territory belonging to the Mexican Confederation to the United States," communicated in the message of the President of the United States, of the 2d October instant, the following documents: Mr. Clay to Mr. Poinsett, 26th March, 1825; extract from instructions; Mr. Torrens to Mr. Adams, 15th February, 1824; Mr. Clay to Mr. Poinsett, 24th September, 1825, extracts; the same to the same, 15th March, 1827, extract; Mr. Van Buren to the same, 25th August, 1829; Mr. Livingston to Mr. Butler, 20th March, 1833, extract; Mr. McLane to the same, 13th January, 1834; Mr. Forsyth to the same, 2d July, 1835, extract; and same, 6th August, 1835, extract.

Mr. ADAMS said he should move an amendment of this resolution. Instead of *extracts*, he moved to print *the whole* of the correspondence and documents alluded to. He was opposed to sending garbled statements of matters so interesting before the people.

Mr. ELMORE said that, having offered the resolution, which he had supposed would have elicited no debate nor opposition, he felt bound to say a word in explanation.

This House had made two calls on the President for information upon subjects connected with Texas. The first was for the correspondence between the authorities of Texas and the United States, concerning the annexation of Texas. The second was for the correspondence with the authorities of Mexico, concerning the boundary line between the two countries, and the propositions for the purchase of any portion of the Mexican territory by the United States. Both calls had been responded to; and, in answer to the first, a communication from the Texian minister to this Government proposing the annexation of Texas; a reply from the Secretary of State; and a rejoinder from the Texian minister, had been laid before this House, and ten thousand copies were ordered to be printed. In reply to the second call, a voluminous correspondence between the proper agents of the Governments of the United States and Mexico had been communicated, and ten thousand copies of it ordered to be printed. Upon looking into the last documents, (said Mr. E.,) I find they are divided into two classes, the first class consisting of those named in the resolution now under consideration, and consisting mainly of instructions given by the different Presidents wielding the executive power of the United States, from 1824 to 1837, to our ministers resident in Mexico, directing them to propose for the purchase of Texas, and giving the reasons why such a purchase was desirable and important for the United States. These constituted but a small portion of the documents communicated under the second call; the rest, comprising nine-tenths, or probably nineteen-twentieths, of those sent by the President, relating almost entirely to a treaty of boundary which was negotiated at an early period of the negotiations between the two countries, and which recognised the boundary fixed for Mexico in 1819, in the treaty of Washington, between Spain and the United States; and in which the latter yielded Texas, and consented to make the Sabine and Red rivers the boundary. This treaty, recognising this line as the true one between Mexico and the United States, was three times negotiated and signed in almost the same terms, having twice failed in consequence of not being ratified by Mexico in the time prescribed by one of its articles. The various forms and shapes which these negotiations assumed, the several propositions to vary them, the causes which produced the failure to ratify—from frequent revolutions, changes in the executive departments charged with this subject, propositions to change the place of negotiation from Mexico to Washington—the formation of a commercial treaty between the countries, and tedious details of all its beginnings, interruptions, and progress; and the urgent requisitions of this Government for the appointment of commissioners to run the line of boundary as fixed in 1819, constitute a mass of diplomatic notes, correspondence, and instructions on these points, which have no bearing on the great subject, the annexation of Texas, which now engrosses the public attention. Ten thousand copies of these are already ordered to be printed; enough to diffuse all the information required. But, sir, it is not so as regards those mentioned in the resolution. They relate especially to the acquisition of Texas; they consist of instructions from the various Presidents who have been in power since 1824, showing, in the arguments and views they suggest to our ministers charged with these important negotiations, the reasons why it has always been deemed important to the welfare of the United States that they should possess Texas.

Sir, the House will remember that, some days ago, the gentleman from Massachusetts made the pregnant and startling declaration, that this was a question of union or disunion. He presented this issue to the people of the United States. Now, sir, I wish my constituents and the people of the South to have all the information on this subject concentrated in this document, which will show them the official action and opinions of this Government, from 1824 to the present day. I wish them to see, by the instructions given our ministers in every administration since 1824, that it has always been considered essential to the safety and interests of these States, and that the sound wisdom and prudence of the reasons assigned in these able papers may be submitted to their solemn deliberation, before they return their answer to the issue tendered by the gentleman from Massachusetts.

It may be, sir, as the gentleman from Massachusetts says, that these documents are "garbled," and only such extracts furnished the House as suit one side of the question. If garbled, it has been done by the President or his Secretary of State. I propose to publish them exactly as they have been furnished to the House. If these documents, and especially the opinions of the distinguished statesman who was President in 1825, shall place any gentleman on this floor in the position of having entertained opinions on this subject not exactly consistent, of having favored and urged the acquisition of Texas at one time, as an important national object, and of having opposed and denounced it at another, it is a matter he must settle as best he can with the country. I have no further concern in the affair than that I want the benefit of the arguments of the then President, contained in these instructions, to aid the people in forming a correct estimate of the importance of Texas to the United States. I do not now propose to argue the merits of this great question, but I desire to spread before the people the information contained in the arguments of far abler men, which I here find prepared to my hand.

But, sir, I apprehend the gentleman from Massachusetts is mistaken in the course he has proposed, if his object is to have all the correspondence relating to the annexation or purchase of Texas, printed on this occasion. He complains that the correspondence is garbled. Let him then call, by a resolution, on the President for that which he says is suppressed. He cannot, by his motion, if he succeed in carrying it, have that printed which is not furnished the House.

Mr. ADAMS observed that that would best appear by showing the House these documents. He wanted all or none. He was opposed to sending forth garbled extracts as the basis of opinions on a subject so momentous. The gentleman from South Carolina had proposed to print extracts from the documents favorable to his own peculiar views on the great question at issue, and not the entire documents. The President of the United States, in obedience to the call of the House, sends certain papers. The gentleman from South Carolina proposes to print a part of them. Mr. A. said his proposition was to print the whole. He had a right to argue that the gentleman proposed to print such extracts as favored one side of the question rather than the other. No conclusion could possibly be drawn from what had already been communicated, and the people had a right to all the light that could be shed upon the subject.

Sir, (said Mr. A.,) I say *on my authority* that, if such a proposition was ever made on the part of the United States to the Government of Mexico, it was received in such a manner as to show that it was offensive in the highest degree to that Government. If, as the gentleman from South Carolina intimates, some parts of those documents prove one thing, there may be other parts of them which go to prove directly the contrary. If any inference is to be drawn from the instructions referred to against the interests of my constituents, or against those of that gentleman's constituents, we ought to have also the answers to the propositions referred to, and not draw inferences from that which is communicated to us, which might be entirely refuted by that which has not been communicated. I repeat that, if there ever was such a proposition made to Mexico, it was received in such a manner that it never was repeated, and never ought to be repeated. I have very strong reason to believe, further, (said Mr. A.,) that at one time the late

Executive of the United States was deluded into an expectation that the Mexican Government were ready to make a cession of territory to the United States; and, indeed, in one of the documents lately communicated to this House, the minister from Texas affirms to the Secretary of State, that the late Executive of the United States was so confident of the acquisition of Texas, that he offered to Mr. Hutchins G. Burton, of North Carolina, the commission of governor of that territory. [Mr. Adams was here reminded by the Speaker that he was transcending the proper limit of debate upon a mere question of printing papers.] Well, (Mr. A. said,) he must then fall back upon the ground of natural justice, which he said would sufficiently sustain his argument that all the papers, if any, ought to go together to the American people.

Mr. A. having demanded the yeas and nays on the motion to amend the resolution, and they having been ordered to be taken—

Mr. CAMBRELENG moved for the orders of the day.

## TREASURY-NOTE BILL.

The House then resumed the consideration of the "bill to authorize the issuing of Treasury notes."

The question pending being the amendment of Mr. Underwood, to authorize the Secretary of the Treasury to issue only three millions and a half of Treasury notes, until the bonds of the Bank of the United States had been offered for sale for three months, exclusive of interest—

Mr. CAMBRELENG appealed to the members on all sides of the House to bring this measure to a conclusion. He did not suppose the gentleman from Kentucky [Mr. Underwood] really meant to embarrass the Treasury of the United States; but his amendment, if adopted, would be the most extraordinary proposition ever adopted by Congress. His proposition was to authorize the sale of three bonds, amounting each to about two millions of interest. Now there was not a capitalist on the face of the earth who would bid for them. Even the Bank of the United States, with all its capital, could not raise the means to do it, without the aid of the Bank of England, for the simple reason that the bonds could not be divided.

Now, what would be the effect of this proposition? Here was a bill before the House taking from the Secretary of the Treasury the power to draw drafts, which destroyed, in one single instant, the power to draw for one single dollar to pay the public creditors, who were now waiting for these Treasury notes. By the amendment, he had the right to issue only three millions and a half of notes in the last quarter of the year, thus tying up his hands for three months, except so far as his reliance upon these three millions and a half only for the expenses of the Government during that time, when, according to the estimates, at least ten millions will be required for the same period. This would, in effect, bankrupt the Treasury.

Mr. C. said he wished, too, to reach another bill of primary importance, the divorce bill, before they adjourned, for he was anxious not to leave the Treasury and the finances in their present unregulated condition. In a New York paper he was made to say that he never intended to bring that bill up. He must have been mistaken in what he said, since he argued quite the reverse.

Mr. UNDERWOOD, in support of his amendment, and in reply to the gentleman from New York, [Mr. Cambreleng,] said that that gentleman had done him but justice in saying that he (Mr. U.) did not wish to embarrass the operations of the Treasury. He begged leave to make one or two remarks, however, in defence of his amendment. That gentleman had said that the whole ten millions demanded would be wanted during the balance of the current year. This certainly did not appear to be the opinion of the Secretary of the Treasury himself, if there was any truth in his report.

Including $16,000,000 appropriated last year, the whole charge on the Treasury amounts to - $48,000,000
Of this there has been paid $24,000,000
Of this there has been suspended 15,000,000
39,009,000

Which leaves the difference at - - $9,000,000 if there is any truth in figures. And now, what means, Mr. U. would ask, was there to meet this $9,000,000? The proceeds of the public lands, and the cash duties accruing, would not fall short of $6,000,000, which, with the three millions proposed by this amendment, would suffice for the balance of the year. These statements were too plain to be controverted.

Mr. U. also wanted the question taken speedily, and modified his amendment by striking out "exclusive of interest."

Mr. LEGARE proposed to insert an interest of two per centum. This proposition, he thought, would be a compromise which would obtain very generally.

Mr. SERGEANT also remarked, that the Secretary of the Treasury had taken a view of this bill not warranted either by the language of the bill or by the views of members of that House, so far as those views had been disclosed. That gentleman had written to brokers and others, all over the country, to inquire of them at what rate they would purchase those notes; whereas there was no authority in the bill to sell the notes at all.

The authority or power of the Secretary of the Treasury was confined to two points. In the first place, he could only issue them to creditors of the Government, in satisfaction of debts, on their nominal amount, with the interest that may then have accrued. The next power was the power to borrow upon the hypothecation of the notes.

On these points Mr. S. dwelt at some length. As to the constitutional power of the Government to issue these bills he had no doubt in the world. It had as much constitutional power to do that as to charter a national bank. With reference to the wants of the Treasury, he preferred that they should borrow money of that description, which would answer the purposes of the Treasury.

Mr. CAMBRELENG said a few words in reply to Mr. S., and gave notice of his intention to enter more at large on the subject of the gentleman's present and late speech in support of a national bank, when the divorce bill came up. The gentleman's argument about the people's money and the Government's money, was a merely *ad captandum* one, designed to produce an effect upon the elections in Pennsylvania.

Mr. C. agreed with the gentleman that the Secretary of the Treasury had not properly construed the act now under consideration; for, if he had construed it properly, there never could be any depreciation whatever of these notes. There was no power given in the bill to sell the notes, but to borrow money upon them.

Mr. PICKENS made an urgent appeal to the House, that, considering the lateness of the session, and the important measures behind, they would vote on all the propositions now before it on this bill. He declared his intention of voting against the bill himself if it embraced interest.

Mr. MERCER opposed the bill.

Mr. UNDERWOOD again modified his amendment, so as to authorize the Secretary of the Treasury to exchange the bonds with the Bank of the United States for smaller bonds.

Mr. GHOLSON replied principally to the remarks of Mr. Bell on Saturday last, and spoke in opposition to the establishment of a national bank, and in support of the bill, without the amendment under consideration. He insisted that the bill was opposed, and was intended, if possible, to be defeated, for the express purpose of promoting the object to charter a national bank.

Mr. BELL spoke briefly in reply.

Mr. REED animadverted upon what he termed the miserably erroneous estimates of the Secretary, and argued against the necessity of passing the original bill without the amendment, viz: to sell the bank bonds.

Mr. GHOLSON rejoined to Mr. BELL, but his remarks were cut off by the hour having arrived for taking a recess, when the House adjourned till 4 o'clock.

EVENING SESSION.

The House met after recess.

Mr. GHOLSON resumed and concluded his remarks in reply to Mr. BELL, the whole of which are given entire, as follows:

Mr. Speaker: If, by remaining in my seat, I believed the vote on the amendment proposed by the gentleman from Kentucky, [Mr. UNDERWOOD,] or on the bill itself, would be taken at an earlier period, I surely would content myself with giving a silent vote, however anxious I may be, or may have been, to express my views. I am in bad health, worn down with previous labor, and find myself but illy calculated for the effort of debate. The course of the whigs on this floor, ever since the commencement of the session, has assured me that their object is, and has been, that this House shall not act on any bill likely to relieve the embarrassments of the country.

Sir, I am justified in saying that the object of the whigs is, and has been, to keep up excitement in the country, and add embarrassment to the already embarrassed condition of the Government and the people. When this session first commenced, we were told by the gentleman from Tennessee [Mr. BELL] and the gentleman from Virginia, [Mr. WISE,] who are regarded by me and by the country as the oracles of the whig party, that they had no measures of their own to bring forward to relieve the Union. The gentleman from Virginia went further. He requested or directed his whig allies to bring forward no measure to relieve the country. He said that, for one, he would let the country groan on; that it was not the intention of the administration party here to carry out the recommendations of the President; and even went so far as to warn my friend from South Carolina [Mr. PICKENS] to be on his guard, lest he were arrested and shot down as a deserter. Being now hard pressed in this quarter, and this bill (which has been so bitterly denounced) being likely to be finally voted on before the close of the session, he calls in the aid of his ally from Tennessee, [Mr. BELL,] and solicits that gentleman to aid him in occupying the time of the House with fruitless dicussion and vapid denunciation until the close of this extraordinary session; and thus prevent, what is so much dreaded by both gentlemen, that relief which the country so imperiously demands, and which, if we possess the power, we are bound to afford to it.

Well, sir, the gentleman from Tennessee has not been unmindful of the appeal of the gentleman from Virginia. He has promptly obeyed the mandate, and has gone to his aid; and, with the skill and management of a political grimalkin, he consumed the whole of Saturday in discussing a motion that he never intended should be voted on; and after a day and a part of the night had been consumed by descanting on that time-killing motion, the gentleman from Ohio [Mr. WHITTLESEY] came forward, and asked the gentleman from Tennessee to withdraw his motion. The request was instantly complied with, thus conclusively proving, to my mind, that the whole design and object of the gentleman was, and is, confusion, excitement, embarrassment, not action or relief to the Government or the people.

Sir, we have now progressed on this legislative journey till we have reached the last week of the session. And what, Mr. Speaker, let me ask, have we, the administration party, been permitted to do? By our untiring exertions we have got one little bill through the House! The suffering people have a right to know to whom this delay, this waste of time, of money, this trifling with their rights and interests, is to be ascribed. Sir, this remissness, this flagrant injustice, and wanton dereliction of duty, cannot, and must not, be charged to the administration party; for if the whigs, as they avow, have no projects or plans of relief of their own, why have they not permitted us to carry out those plans of the administration which we stand ready to execute? Is it because they fear the country will be relieved?

What, sir, said the gentleman from Tennessee, [Mr. BELL,] when he came forward, on Saturday, with his time-killing project? He said he had told the people, "the dear people," just before the election—at a time when he undoubtedly cherished a very warm and tender feeling of regard for the people—that it would be in the power of the administration to relieve the country in sixty days at furthest! Well, sir, why does not the gentleman bring forward the plan that he suggested to his constituents? Is he not bound to do so, if he believes what he has said in relation to the plans set forth in the President's message? Surely he is. When he undertakes to say that the schemes suggested in the President's message are wild and visionary, and impracticable, have we not a right to expect from him some plan that will, according to his own views, afford relief, practical relief—a plan that is in itself practicable and reasonable? What was the vast and wonderful scheme that the honorable gentleman suggested to the people of his district? He says that it was a scheme to force the Government to take up the $100,000,000 of irredeemable bank paper now afloat in the country! Indeed, sir!

Mr. Speaker, common sense, the commonest reasoning, and the teachings of every day's experience and observation, all go to prove the utter impracticability of the proposition. I have too high a regard for the gentleman's intelligence, to believe, for a single moment, that he believes in the practicability of any such project. Those banks which have flooded the country with a redundant paper circulation, have failed, and their paper become worthless in the hands of the people, at the very time when they were sustained by all the resources of this mighty and munificent Government daily poured into their vaults. They failed, sir, when they were sustained, not only by the Government, but by the confidence of the whole American people, and by that still stronger power, public opinion. If they failed under the existence of such props and such patronage—if they could not exist as organic bodies, and perform the functions required of them by law and by their charters, under the existence of circumstances so favorable—and if their paper, as we all know to be the fact, has depreciated fifteen per cent. how much more signal and complete must be their failure, when they do not and cannot obtain the confidence of the people?

Sir, I defy the Government to give the people confidence in these banking institutions. They have already failed, and without the confidence of the people they cannot be resuscitated; they cannot sustain themselves.

Mr. Speaker, who, let me inquire, ever heard of a Government like ours, in a time of profound peace, dealing in paper known to be depreciated, and attempting to make that paper the circulating medium of the country? Do we not all know that this plan is wild, visionary, impracticable and unheard of? I know, sir, the gentleman from Tennessee does not believe it practicable; if he did, he would bring it forward in a tangible shape. I have too much confidence in his ability as a statesman, too much confidence in his intelligence as a financier, to do him the injustice of believing him at all in favor of the plan of which he has spoken.

The causes that have moved the gentleman from Ten-

nessee in this matter, are easily divined; nay, they cannot be misunderstood. He had said something on this subject to the people of his district, to his constituency if you please, and he wished to consume the time of this House, above all, he wished to aid the federal bank party in this House, and to attain his ends, he came out with the plans on which I have animadverted, and hoped to impose on the country. I say this, for this further reason, that the whole course of the opposition, with whom the gentleman from Tennessee is acting, has been directed to the single and sole purpose of preventing any thing being done by the administration to relieve the country. They are influenced in their course by the belief that, if they can keep up the present excitement in the country, they can force from the necessities of the people the recharter of the United States Bank, or a national bank subservient to their wishes. They know that this question has been again and again submitted to the people, and the people, after calm deliberation and reflection, have decided that they will not have a bank. But, not satisfied with the unqualified expression of the people's voice, they still cling with tenacity to the desperate hope that has been made to tell its "flattering tale," by the present unnatural excitement and derangement that now pervade every section of the country. They know that if the country is relieved and the present excitement can be quelled, their hopes of a national bank will be laid prostrate. And this is the reason, Mr. Speaker, this struggle has been so desperate; this, sir, is the reason that the cry of Executive bank, has been sounded through this hall; this is the reason that we have been so often boastingly told, that unless a national bank were incorporated, the country would be convulsed. This is the true and only reason that exists for the cry we have so often heard, that this bill will sap the liberties of the country; that by means of this Executive bank, the President would be enabled to place his foot on the necks of the people. This cry has been raised because gentlemen know that a bank is yet unpopular; and they hope to prejudice the country against this bill before it passes, by calling it an Executive bank bill. Sir, they seek to frighten us by telling us that when we give our assent to this bill we give our assent to a measure that is to convulse the country. For one, Mr. Speaker, let me tell gentlemen, that names have no terror for me. I have no fear that this bill will enable the President to place himself above the constitution and the people; I am not so timid that I can be alarmed by such bug-bear appeals to my courage.

But why, let me ask, have we this constant cry of bank, bank, from the known bank party on this floor? It has been said that this bill was intended to defeat a national bank. I am willing to place it on that issue before the American people; I will, and do, hereby declare my assent to this measure, humble as gentlemen say it is, and at the same time I avow my decided opposition to any national bank. And, sir, if convulsions, anarchy, and confusion are to be the consequences of our refusal to charter a national bank, let them come, and I shall be prepared to meet them. Sir, I have stated that names have no terror for me. I am in favor of this bill. I wish these Treasury notes to enter into the circulation of the country, and if they do get into circulation, depend upon it, sir, the one-half of your embarrassments will be removed at the instant they find their way from the hands of the Secretary. This bill has no similtude to a bank, Mr. Speaker, and if gentlemen attempt to distort it into any thing of the kind, they will get their labor for the pains. The Treasurer, under it, has no power to issue bills, except as the creditors of the Government may require them. The passage of the bill will not enable the Secretary of the Treasury to throw thousands and millions of paper into circulation in a day, by which the price of property, and of labor, and of every thing else, will receive fictitious valuations, and then by suddenly withdrawing the circulation, depress the price of the same substances and properties far beneath their intrinsic value.

Mr. Speaker, I respectfully ask gentlemen to do me the favor of pointing out the resemblance that this bill bears to a bank; I ask them to particularly point out the characteristics by which they are enabled to determine that this is an Executive bank.

The next direct attack made upon this bill, is the one now pending in favor of that defunct monster, the late United States Bank, offered by the gentleman from Kentucky, [Mr. Underwood.] This amendment, has, I believe, been already twice rejected by this House, and is now properly out of order. But as I am no stickler for points of order, I will make no question of that sort. This amendment, like the late United States Bank, is no sooner defeated in one shape than it rises in another. By this amendment, it is proposed to offer in lieu of the bill, the bonds executed by the late United States Bank to this Government, in that institution. Then it is proposed to throw into the market in these times of general depression, $6,000,000 of bank bonds due in the course of the next four years, payable by instalments of $2,000,000, bearing interest from the date of their execution. Now, sir, who are to be the purchasers? We know in these times of general distress, no individual, and scarcely any incorporation, has the ability to make such a purchase. Then if these bonds are thus untimely thrown into the market, the Government must and will sustain an immense loss. The old bank may or may not be the bidder for these bonds. The course that that institution has heretofore, and is now persuing, is this: A short time after the suspension of specie payments, that bank threw into the market $5,000,000 of bank bonds, or post notes, payable at a future day in England. These bonds or notes were sold in the market for a premium of five per cent. The agents of the bank proceeded to the cotton-growing States, and with the notes of the Pennsylvania Bank of the United States bought cotton to meet these bonds. The notes of the institution commanded a premium, owing to the immense debt due from the South and West to the eastern and northern cities. The fund upon which these $5,000,000 was first drawn having been exhausted, this is the game that is now being played off by Mr. Biddle on the South. He has his agents there, selling the notes of the old bank, which neither the United States Bank of Pennsylvania, nor any other institution, is bound to redeem. This paper, in these times of distrust and oppression, commands a premium over the local bank paper of the country. It first passes into the hands of our southern merchants, they paying a premium for it of about 15 per cent. above local bank paper. The merchants pay it over to the agents of the northern merchants, who are literally swarming like hungry locusts through the country; who, knowing its utter worthlessness, and that no one is bound to redeem it, immediately sell it for local bank paper at a premium. With this paper they buy cotton. In this way, one set of these irredeemable notes buys the cotton of the whole neighborhood at a discount of at least 15 per cent. Thus is the ghost of this institution enabled to plunder my constituents out of 15 per cent. of their labor.

This system of plundering the South, so long practised by the Northern capitalists, has enabled that section of the country, through the agency of the institution of which I speak, to play a game that must be suspended, and it is to an evil so monstrous that I am anxious to apply a remedy. This can be done effectually by the rejection of the amendment and the passage of the bill. In this way, this institution will be driven out of the market; for when the notes proposed to be issued by this bill enter, as they will, into the circulation of the country, the worthless paper of this

insolvent institution referred to, will be banished from circulation.

Mr. Speaker, the gentleman from Tennessee [Mr. Bell] complains that I have no right to place the construction on his acts that I have so freely and fully expressed; and, sir, he has added that I have expressed opinions in reference to him that are not justifiable by facts. Sir, I must be allowed to tell that gentleman that the actions and conduct of public men in this hall are, and of right should be, public property. As such, I have a right to come to my own conclusions in relation to them. Having formed my opinions as to the moving cause for the conduct of that gentleman in the present instance, I have taken the liberty to express those opinions, and I claim the right of doing so. Sir, I should be sorry to do any gentleman an act of injustice. I have misstated no matter of fact; and, if I have otherwise done the gentleman injustice, I shall be found at all times ready to render him the most prompt and adequate satisfaction.

Mr. Speaker, the gentleman has taken occasion to say something in relation to the interest of my constituents. Now, sir, I will tell the gentleman that I am their representative, and that if I misrepresent them I am accountable to them for the act. Therefore, neither they nor we require any aid or advice from the gentleman from Tennessee.

I know, sir, that I represent a suffering people, a people who are immensely in debt; but, thank God! we have a climate, a soil, and a production, that, when added to the never-ceasing vigilance of our people, will enable us to pay, in a short time, a larger debt than can be extinguished by any other people of the globe.

Much, sir, has been said about the immense debt our banks owe the Government, and not a little has been said and insinuated about the alleged insolvency of those institutions. Sir, I ask gentlemen, before they make any more assertions on this subject, to examine into the true situation of our banks. I make the assertion, without fear of contradiction, that our banks, the banks of the State of Mississippi, have as large an amount of assets in their possession as any banks in this Union which have not a greater circulation afloat. I have no doubt they are as solvent, and will resume specie payments as soon as any banks in the Union having at the time of the suspension as large a circulation as they had.

But it is said the banks have asked for indulgence. I say it is untrue. If they have asked indulgence, I am not informed of it. I, on my own responsibility, asked indulgence for them in order that I might favor their debtors. Now, sir, if the gentleman from Tennessee, [Mr. Bell,] with his proclaimed charity for my constituents, will aid me in keeping the hands of this Government off of our banks for a short time, he will render us good service. Any attempt to force these banks to pay their debts unnaturally oppresses the debtor's interest. Whenever the Government presses the banks, it presses its own debtors, and thus the Government directly oppresses the people.

If the Government continues, according to the suggestions of the gentleman from Tennessee, who is so charitable, to draw on our banks, these drafts must, for some time to come, come back protested. This will keep down our money, and force us to pay the highest premium that we have heard so much talked of.

Sir, I care but little for those banks as mere corporations, but I have a great good feeling for the people who are in their power. You have relieved the balance of your Government debtors, and why not relieve them also? I am sure they are as meritorious as your Northern merchants. Now, sir, the passage of this bill, without the amendment, appears to me to be the only means by which the country can be relieved. It is the only hope I have for our banks soon resuming specie payments; for when this bill shall have passed, the Government will be relieved. Ten millions will be liable to be gradually thrown into circulation. You can then give our banks reasonable time; and thus the whole will be accommodated.

Sir, the gentleman from Tennessee [Mr. Bell] said something about forcing the Government into terms. What terms does he mean? The terms of these irresponsible banks? If these are his terms; if a submission on the part of this administration to the dictations of these banks are the terms upon which we are to buy the peace of the country, it is such a peace as I do not want. If this is the way that quiet in this land is to be kept, let us have the confusion of which we have heard so much since the commencement of the session. I think the sooner it comes the better.

Sir, has it come to this, in this land of liberty and of law, that these banks can, and will, dictate to an American Congress? Are we to be no longer independent? Are we to be forced to ask these most soulless corporations what we shall do, and what we shall not do? Surely not yet. This is the direct policy of the bank party on this floor. I am prepared to record my vote; I am prepared to meet the crisis, and share my fate. I have no fears of the result.

Mr. Speaker, I had intended to have proceeded further in discussing these topics, but I find myself unable, from exhaustion and debility, to go on any further.

Mr. CURTIS addressed the House in a short speech, expressive of his regret that his colleague [Mr. Cambreleng] had laid aside the bill originally reported by him from the Committee of Ways and Means, and had engrafted the Senate's bill upon its enacting clause as an amendment. He was in favor of the bill in its original shape, but opposed to an issue of Treasury notes bearing interest, and would prefer the amendment of the gentleman from Kentucky now under consideration, especially as recently modified. He explained how the bonds of the United States Bank might be rendered available, and sold in Europe.

Mr. UNDERWOOD having altered his motion to amend the bill so as to make it read as follows:

"But no Treasury notes shall be issued under the provisions of this act, except for the sum of three million five hundred thousand dollars, until after the Secretary of the Treasury shall have offered for sale the bonds executed by the president, directors, and company of the United States Bank of Pennsylvania, in consideration of the stock held by Government in the late Bank of the United States; and the Secretary of the Treasury is hereby authorized and directed to sell and transfer said bonds, or any one or more of them, to the purchaser or purchasers, and to apply the money arising from such sale and transfer in payment of any demands upon the Treasury: *Provided, however*, That no sale and transfer of said bonds shall be made for less than the nominal amount of said bonds respectively, with the interest which shall have accrued thereon up to the day of sale. But if said bonds cannot be sold as is herein provided, in three months from the passage of this act, then it shall be lawful to issue Treasury notes to the amount not exceeding in the whole ten millions of dollars.

"It shall, moreover, be lawful for the Secretary of the Treasury to surrender any one or more of said bonds to the bank, and to take in exchange smaller bonds for the amount, to facilitate the sales and transfers herein provided for."

The question being put on the amendment of Mr. Underwood, in this shape, it was decided as follows:

Yeas—Messrs. Adams, Alexander, H. Allen, J. W. Allen, Ayerigg, Bell, Biddle, Bond, Briggs, W. B. Calhoun, J. Calhoon, J. Campbell, W. B. Carter, Chambers, Cheatham, Childs, Clowney, Cranston, Crockett, Curtis, Cushing, Darlington, Davies, Deberry, Dennis, Dunn, Elmore, Everett, Ewing, R. Fletcher, Goode, J. Graham, Grennell, Griffin, Halsted, Harlan, Harper, Hastings, Hawes,

Henry, Herod, Hoffman, Hopkins, R. M. T. Hunter, W. C. Johnson, Lawler, Lincoln, A. W. Loomis, Mallory, Marvin, Samson Mason, Maury, Maxwell, McKennan, Menefee, Mercer, Mathias Morris, Calvary Morris, Naylor, Noyes, Ogle, Patterson, Peck, Pickens, Pope, Potts, Rariden, Randolph, Reed, Rencher, Ridgway, Robertson, Rumsey, Russell, Sergeant, Augustine H. Shepperd, Charles Shepard, Shields, Sibley, Slade, Stratton, Taliaferro, Thompson, Underwood, A. S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, Christopher H. Williams, Wise, Yell. Yorke—94.

Nays—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Brodhead, Bronson, Bruyn, Buchanan, Bynum, Cambreleng, Casey, Chaney, Chapman, Cilley, Claiborne, Clark, Cleveland, Coles, Connor, Craig, Crary, Cushman, Davee, DeGraff, Dromgoole, Edwards, Farrington, Fairfield, Foster, Fry, Gallup, Gholson, Glascock, Grantland, Grant, Gray, Haley, Hammond, Harrison, Hawkins, Haynes, Holt, Hubley, W. H. Hunter, T. B. Jackson, J. Jackson, J. Johnson, N. Jones, J. W. Jones, Kemble, Kilgore, Klingensmith, Leadbetter, Lewis, Logan, Arphaxed Loomis, Martin, May, McKay, Robert McClellan, Abraham McClellan, McClure, McKim, Miller, Montgomery, Moore, Morgan, S. W. Morris, Muhlenberg, Murray, Noble, Owens, Palmer, Parker, Parmenter, Paynter, Pennybacker, Petrikin, Plumer, Potter, Pratt, Prentiss, Reily, Rhett, Richardson, Rives, Sawyer, Sheffer, Sheplor, Smith, Snyder, Spencer, Stuart, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Vanderveer, Webster, Weeks, Thomas T. Whittlesey, Jared W. Williams,—109.

So Mr. Underwood's amendment was negatived.

Mr. ROBERTSON moved to amend the bill by striking out the whole of it, after the enacting clause, and inserting, in lieu thereof, the following:

That the Secretary of the Treasury be, and he is hereby authorized, with the approbation of the President of the United States, to borrow on the credit of the United States, from time to time, such sum as the President may think expedient, not exceeding in the whole, $7,000,000, to be reimbursed with interest not exceeding 6 per cent. per annum, at the expiration of twelve months from the date of the loan or loans respectively.

The question upon agreeing to this amendment was decided—Yeas 86, nays 131, as follows:

Yeas—Messrs. Adams, Alexander, H. Allen, J. W. Allen, Aycrigg, Bell, Biddle, Bond, Briggs, W. B. Calhoun, J. Calhoon, W. B. Carter, Chambers, Cheatham, Childs, Clowney, Coles, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Elmore, R. Fletcher, Fillmore, Goode, Grennell, Griffin, Halsted, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hopkins, R. M. T. Hunter, W. C. Johnson, Lawler, Lincoln, A. W. Loomis, Mallory, Marvin, S. Mason, Maury, Maxwell, McKennan, Mercer, Milligan, Calvary Morris, Naylor, Ogle, Patterson, Peck, Phillips, Pope, Potts, Rariden, Randolph, Reed, Rencher, Ridgway, Robertson, Rumsey, Russell, Sawyer, Sergeant, Slade, Southgate, Stanly, Stone, Stratton, Taliaferro, Thompson, Underwood, A. S. White, E. Whittlesey, C. H. Williams, Wise, Yorke—86.

Nays—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Borden, Bouldin, Brodhead, Bronson, Bruyn, Buchanan, Bynum, Cambreleng, J. Campbell, Casey, Chaney, Chapman, Cilley, Claiborne, Clark, Cleveland, Connor, Craig, Crary, Cushman, Davee, DeGraff, Dromgoole, Duncan, Edwards, Farrington, Fairfield, Foster, Fry, Gallup, J. Garland, Gholson, Glascock, J. Graham, Grantland, Grant, Gray, Haley, Hammond, Harrison, Hawkins, Haynes, Holsey, Holt, Howard, Hubley, W. H. Hunter, Ingham, T. B. Jackson, J. Jackson, J. Johnson, N. Jones, J. W. Jones, Kemble, Kilgore, Klingensmith, Legare, Leadbetter, Lewis, Logan, A. Loomis, Lyon, Martin, May, McKay, R. McClellan, A. McClellan, McClure, McKim, Miller, Montgomery, Moore, Morgan, S. W. Morris, Muhlenberg, Murray, Noble, Noyes, Owens, Palmer, Parker, Parmenter, Paynter, Pennybacker, Petrikin, Phelps, Pickens, Plumer, Potter, Pratt, Prentiss, Reily, Rhett, Richardson, Rives, Sheffer, A. H. Shepperd, C. Shepard, Shields, Sheplor, Sibley, Smith, Spencer, Stuart, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, J. White, T. T. Whittlesey, L. Williams, S. Williams, J. W. Williams, J. L. Williams, Worthington, and Yell—131.

So the amendment was negatived.

Mr. ROBERTSON then further moved to amend the bill by adding the following:

*Provided, however*, That no notes shall be issued as aforesaid, so long as there shall remain in the Treasury available funds applicable to the prompt payment of said debts, after reserving one million of dollars.

This followed the course of those previously offered, being negatived by yeas and nays—Yeas 102, nays 120, as follows:

Yeas—Messrs. Adams, Alexander, H. Allen, John W. Allen, Aycrigg, Bell, Biddle, Bond, Bouldin, Briggs, W. B. Calhoun, J. Calhoon, J. Campbell, W. B. Carter, Chambers, Cheatham, Childs, Clowney, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Everett, Ewing, R. Fletcher, Fillmore, J. Garland, Goode, J. Graham, W. Graham, Graves, Grennell, Griffin, Halsted, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, H. Johnson, W. C. Johnson, Lawler, Lincoln, A. W. Loomis, Lyon, Mallory, Marvin, S. Mason, Maury, Maxwell, McKennan, Menefee, Mercer, Milligan, C. Morris, Naylor, Ogle, Patterson, Peck, Phillips, Pickens, Pope, Potts, Rariden, Reed, Rencher, Ridgway, Robertson, Rumsey, Russell, Sawyer, Sergeant, A. H. Shepperd, C. Shepard, Sibley, Slade, Southgate, Stanly, Stone, Stratton, Taliaferro, Thompson, Underwood, A. S. White, J. White, E. Whittlesey, L. Williams, S. Williams, J. L. Williams, C. H. Williams, Wise, Yorke—102.

Nays—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Borden, Brodhead, Bronson, Bruyn, Buchanan, Bynum, Cambreleng, Casey, Chaney, Chapman, Cilley, Claiborne, Clark, Cleveland, Coles, Conner, Craig, Crary, Cushman, Davee, DeGraff, Dromgoole, Duncan, Edwards, Farrington, Fairfield, I. Fletcher, Foster, Fry, Gallup, Gholson, Glascock, Grantland, Grant, Gray, Haley, Hammond, Harrison, Hawkins, Haynes, Holsey, Holt, Howard, Hubley, W. H. Hunter, Ingham, T. B. Jackson, J. Jackson, J. Johnson, N. Jones, J. W. Jones, Kemble, Kilgore, Klingensmith, Legare, Leadbetter, Lewis, Logan, A. Loomis, J. M. Mason, Martin, McKay, R. McClellan, A. McClellan, McClure, McKim, Miller, Montgomery, Moore, Morgan, S. W. Morris, Muhlenberg, Murray, Noble, Noyes, Owens, Palmer, Parker, Parmenter, Paynter, Pennybacker, Petrikin, Phelps, Plumer, Potter, Pratt, Prentiss, Reily, Rhett, Richardson, Rives, Sheffer, Sheplor, Smith, Snyder, Spencer, Stewart, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, T. T. Whittlesey, J. W. Williams, Worthington, Yell—120.

Mr. SOUTHGATE moved to amend the bill so as to make the lowest denomination of Treasury notes fifty dollars, instead of one hundred.

Mr. LEGARE hoped the gentleman would consent to modify his amendment by inserting $25 instead of $50. He stated a case of hardship which had occurred in Alabama, in support of the suggestion.

Mr. JONES, of Virginia, protested against the amendment, and demanded the yeas and nays.

Mr. WISE said that if we were to have a Government

paper currency, he was for bringing down the denominations of the notes not only to $50, but at once to $5 and to $1. Let the laborer have the benefit, if there was any, as well as the capitalist and the aristocrat; he hoped the democrats of the "democracy of numbers" would unite with him in giving the advantage of this new money to the "bone and sinew" of the country.

Mr. CAMBRELENG objected to making the denomination less than $100. He protested against making the credit of the Government a currency.

Mr. WHITTLESEY adverted to the law which enabled a poor man to enter a tract of forty acres of land; the price of which was just $50. He urged the hardship of depriving such a settler of the benefit of paying for his land in Government currency, and compelling him to pay down the gold and silver under the specie circular, while the wealthy speculator could pay in Treasury notes. If the gentleman from New York would come to the West and advance such a doctrine, he would soon have such convincing arguments applied to him as would quickly work a change of opinion in him on this point.

Mr. SOUTHGATE modified his amendment so as to insert $25, instead of $100, as the lowest amount of any Treasury note.

This amendment was rejected by yeas and nays: Yeas 88, nays 130, as follows:

YEAS—Messrs. Beirne, Bond, Boon, Briggs, Bynum, J. Calhoon, John Campbell, William B. Carter, Casey, Chambers, Chapman, Cheatham, Childs, Clark, Corwin, Craig, Crockett, Deberry, Dennis, Dunn, Elmore, Ewing, Isaac Fletcher, J. Garland, R. Garland, Gholson, Glascock, Goode, James Graham, Wm. Graham, Grantland, Graves, Halsted, Harper, Hawkins, Henry, Herod, R. M. T. Hunter, H. Johnson, J. Johnson, W. C. Johnson, Lawler, Legare, Lewis, Lincoln, A. W. Loomis, Lyon, Mallory, Martin, May, McKim, McKennan, Menefee, Montgomery, C. Morris, Murray, Ogle, Patterson, Peck, Pickens, Rencher, Rhett, Richardson, Ridgway, Rives, Robertson, Rumsey, Russell, A. H. Shepperd, C. Shepard, Shields, Sibley, Smith, Snyder, Southgate, Spencer, Stanly, Stone, Taliaferro, Underwood, A. S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, Wise, Yell—88.

NAYS—Messrs. Adams, Alexander, Heman Allen, J. W. Allen, Anderson, Andrews, Atherton, Aycrigg, Beatty, Bicknell, Biddle, Birdsall, Borden, Brodhead, Bronson, Buchanan, W. B. Calhoun, Cambreleng, Chaney, Cilley, Cleveland, Coles, Connor, Crary, Cranston, Curtis, Cushing Cushman, Darlington, Dawson, Davee, Davies, DeGraff, Dromgoole, Duncan, Edwards, Everett, Farrington, Fairfield, R. Fletcher, Fillmore, Foster, Fry, Gallup, Grant, Gray, Haley, Hammond, Harrison, Hastings, Hawes, Haynes, Hoffman, Holsey, Holt, Hopkins, Howard, Hubley, W. H. Hunter, Ingham, T. B. Jackson, J. Jackson, N. Jones, John W. Jones, Kemble, Kilgore, Klingensmith, Leadbetter, Logan, A. Loomis, Marvin, J. M. Mason, S. Mason, Maury, Maxwell, McKay, R. McClellan, A. McClellan, McClure, Mercer, Milligan, Miller, Moore, Morgan, S. W. Morris, Muhlenberg, Naylor, Noble, Noyes, Owens, Palmer, Parker, Parmenter, Paynter, Pennybacker, Petrikin, Phelps, Phillips, Plumer, Potts, Potter, Pratt, Prentiss, Rariden, Randolph, Reed, Reily, Sawyer, Sergeant, Sheffer, Sheplor, Slade, Stewart, Stratton, Taylor, Thomas, Thompson, Titus, Toucey, Towns, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, T. T. Whittlesey, J. W. Williams, C. H. Williams, Worthington, and Yorke—131.

Mr. SOUTHGATE then moved to insert $50, in place of $100, as the lowest amount.

The yeas and nays being taken upon this motion of Mr. S. stood as follows: Yeas 140, nays 81, viz:

YEAS—Messrs. Alexander, J. W. Allen, Anderson, Andrews, Beirne, Bond, Boon, Bouldin, Briggs, Bronson, Bruyn, Bynum, John Calhoon, J. Campbell, W. B. Carter, Casey, Chambers, Chaney, Chapman, Cheatham, Childs, Claiborne, Clark, Cleveland, Clowney, Connor, Corwin, Craig, Crary, Crockett, Cushman, Davee, Deberry, DeGraff, Dennis, Dunn, Edwards, Elmore, Ewing, Fairfield, Isaac Fletcher, Fillmore, James Garland, Rice Garland, Gholson, Glascock, Goode, Jas. Graham, William Graham, Grantland, Grant, Graves, Gray, Grennell, Griffin, Haley, Halsted, Hammond, Harlan, Harrison, Harper, Hastings, Hawkins, Haynes, Henry, Herod, Hoffman, Holt, R. M. T. Hunter, Ingham, Jabez Jackson Henry Johnson, Joseph Johnson, William C. Johnson, Kilgore, Lawler, Legare, Leadbetter, Lewis, Lincoln, A. W. Loomis, Lyon, Mallory, Marvin, S. Mason, Martin, Abra. McClellan, McKim, McKennan, Menefee, Miller, Montgomery, Morgan, C. Morris, Muhlenberg, Murray, Noyes, Ogle, Palmer, Parmenter, Patterson, Pickens, Pope, Potter, Pratt, Rariden, Reily, Rencher, Rhett, Richardson, Ridgway, Rives, Robertson, Rumsey, Russell, A. H. Shepperd, C. Shepard, Shields, Sheplor, Sibley, Slade, Smith, Southgate, Spencer, Stanly, Stone, Taliaferro, Titus, Towns, Underwood, Vail, Webster, A. S. White, John White, E. Whittlesey, L. Williams, S. Williams, Joseph L. Williams, Wise, Yell—140.

NAYS—Messrs. Adams, Heman Allen, Atherton, Aycrigg, Beatty, Bicknell, Biddle, Birdsall, Borden, Brodhead, Buchanan, W. B. Calhoun, Cambreleng, Cilley, Coles, Cranston, Curtis, Darlington, Dawson, Davies, Dromgoole, Duncan, Everett, Farrington, R. Fletcher, Foster, Fry, Gallup, Hawes, Holsey, Hopkins, Howard, Hubley, W. H. Hunter, Thomas B. Jackson, N. Jones, John W. Jones, Kemble, Klingensmith, Logan, A. Loomis, James M. Mason, Maury, Maxwell, McKay, R. McClellan, McClure, Mercer, Milligan, Moore, S. W. Morris, Naylor, Noble, Owens, Parker, Paynter, Pearce, Pennybacker, Petrikin, Phelps, Phillips, Plumer, Potts, Prentiss, Reed, Sawyer, Sergeant, Sheffer, Stewart, Stratton, Taylor, Thomas, Toucey, Turney, Vanderveer, Wagener, Weeks, Jared W. Williams, Christopher H. Williams, Worthington, Yorke—81.

So the amendment was agreed to.

Mr. MERCER, moved to amend the amendment by striking out the word "ten," before "millions," and inserting "seven;" so as to make the issue of Treasury notes seven millions.

The motion was negatived by yeas and nays: Yeas 101, nays 120, as follows:

YEAS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Aycrigg, Bell, Biddle, Bond, Bouldin, Briggs, Wm. B. Calhoun, John Calhoon, Wm. B. Carter, Chambers, Cheatham, Childs, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Elmore, Everett, Ewing, Fillmore, Richard Fletcher, Goode, James Graham, Wm. Graham, Graves, Grennell, Griffin, Halsted, Harlan, Harper, Hastings, Hawes, Henry, Herod, Robert M. T. Hunter, Jenifer, Henry Johnson, Wm. Cost Johnson, Lincoln, Andrew W. Loomis, Mallory, Marvin, Samson Mason, Maury, Maxwell, McKennan, Menefee, Mercer, Milligan, Calvary Morris, Naylor, Noyes, Ogle, Patterson, Pearce, Peck, Phillips, Pope, Potts, Rariden, Reed, Rencher, Ridgway, Robertson, Rumsey, Russell, Sawyer, Sergeant, Augustine H. Shepperd, Charles Shepard, Shields, Sibley, Slade, Snyder, Southgate, Stanly, Stone, Stratton, Taliaferro, Thompson, Underwood, Albert S. White, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, Christopher H. Williams, Wise, and Yorke—101.

NAYS—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Borden, Brodhead, Bronson, Bruyn, Buchanan, Bynum, Cambreleng, Timothy

J. Carter, Casey, Chaney, Chapman, Cilley, Claiborne, Clark, Cleveland, Coles, Connor, Craig, Crary, Cushman, Davee, DeGraff, Dromgoole, Duncan, Edwards, Farrington, Fairfield, Isaac Fletcher, Foster, Fry, Gallup, James Garland, Rice Garland, Gholson, Glascock, Grantland, Grant, Gray, Haley, Hammond, Harrison, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Hubley, Wm. H. Hunter, Ingham, Thomas B. Jackson, Jabez Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Kemble, Kilgore, Legare, Leadbetter, Lewis, Logan, Arphaxed Loomis, Lyon, James M. Mason, Martin, Robert McClellan, Abraham McClellan, McClure, McKim, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Muhlenberg, Murray, Noble, Owens, Palmer, Parker, Parmenter, Pennybacker, Petrikin, Phelps, Plumer, Potter, Pratt, Prentiss, Reily, Rhett, Richardson, Rives, Sheffer, Sheplor, Smith, Spencer, Stewart, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, Thomas T. Whittlesey, Jared W. Williams, Worthington, and Yell—120.

Mr. LEGARE moved to amend the bill, so as to reduce the maximum of interest upon the Treasury notes from six per cent. to two per cent.

This motion was negatived by yeas and nays, as follows:

YEAS—Messrs. John W. Allen, Boon, Bouldin, Bruyn, John Campbell, Wm. B. Carter, Chaney, Chapman, Childs, Cilley, Claiborne, Cleveland, Clowney, Connor, Craig, Crary, Crockett, Curtis, Cushing, Dawson, Davee, Dennis, Duncan, Dunn, Elmore, Ewing, Richard Fletcher, Isaac Fletcher, James Garland, Rice Garland, Gholson, Glascock, Goode, James Graham, Wm. Graham, Grennell, Griffin, Hammond, Harlan, Harper, Hastings, Hawes, Hawkins, Haynes, Herod, Hoffman, Hubley, Ingham, Jenifer, Henry Johnson, Joseph Johnson, Wm. Cost Johnson, Nath. Jones, Lawler, Legare, Leadbetter, Lewis, Lyon, Martin, Montgomery, Mathias Morris, Calvary Morris, Muhlenberg, Noble, Ogle, Patterson, Peck, Petrikin, Phillips, Pickens, Pope, Rhett, Richardson, Ridgway, Rives, Sawyer, Sheffer, August. H. Shepperd, Charles Shepard, Sheplor, Sibley, Smith, Stuart, Stone, Thompson, Towns, Turney, Underwood, Wagener, Webster, Weeks, John White, Elisha Whittlesey, Thomas T. Whittlesey, Lewis Williams, Sherrod Williams, Joseph L. Williams, Wise, and Yell—99.

NAYS—Messrs. Adams, Alexander, Heman Allen, Anderson, Andrews, Atherton, Aycrigg, Beatty, Beirne, Bell, Bicknell, Biddle, Birdsall, Bond, Borden, Briggs, Brodhead, Bronson, Buchanan, Bynum, Wm. B. Calhoun, John Calhoon, Cambreleng, Casey, Chambers, Cheatham, Clark, Coles, Corwin, Cranston, Cushman, Darlington, Davies, Deberry, DeGraff, Dromgoole, Edwards, Everett, Farrington, Fairfield, Fillmore, Foster, Fry, Gallup, Grantland, Grant, Graves, Gray, Haley, Halsted, Harrison, Henry, Holsey, Holt, Hopkins, Howard, Wm. H. Hunter, Robert M. T. Hunter, Thomas B. Jackson, Jabez Jackson, John W. Jones, Kemble, Kilgore, Klingensmith, Lincoln, Logan, A. W. Loomis, Mallory, Marvin, James M. Mason, Samson Mason, Maury, Maxwell, McKay, Robert McClellan, Abraham McClellan, McClure, McKim, McKennan, Menefee, Mercer, Milligan, Miller, Moore, Morgan, Samuel W. Morris, Murray, Naylor, Noyes, Owens, Palmer, Parker, Parmenter, Paynter, Pearce, Pennybacker, Plumer, Potts, Potter, Pratt, Prentiss, Rariden, Reed, Reily, Rencher, Rumsey, Russell, Sergeant, Shields, Slade, Snyder, Southgate, Spencer, Stanly, Stratton, Taliaferro, Taylor, Thomas, Titus, Toucey, Vail, Vanderveer, Albert S. White, Jared W. Williams, C. H. Williams, Worthington, and Yorke—127.

Mr. RHETT offered an amendment combining one formerly offered by him, and rejected with another on which the House had not passed; but it was pronounced out of order.

Mr. R. thereupon moved to recommit the bill to the Committe of Ways and Means, with instructions to report a bill in conformity with the amendments he had proposed; but the motion was rejected without a count.

The question then recurring on agreeing with the Committee of the Whole on the state of the Union in the whole amendments to the bill as amended, (being a substitution of the House bill, as amended by Mr. SOUTHGATE's motion, for the Senate's bill,) it was decided by yeas and nays, as follows: Yeas 123, nays 99.

The question being then on ordering the bill to a third reading, it was decided by yeas and nays, as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Borden, Bouldin, Brodhead, Bronson, Bruyn, Buchanan, Bynum, John Calhoon, Cambreleng, John Campbell, Timothy J. Carter, Chaney, Chapman, Cilley, Claiborne, Clark, Cleveland, Coles, Connor, Craig, Crary, Cushman, Davee, De Graff, Dromgoole, Duncan, Edwards, Farrington, Fairfield, Foster, James Garland, Rice Garland, Gholson, Glascock, Grantland, Grant, Gray, Haley, Hammond, Harrison, Hawes, Hawkins, Haynes, Holsey, Holt, Howard, Hubley, William H. Hunter, Ingham, Thomas B. Jackson, Jabez Jackson, Henry Johnson, Joseph Johnson, Nathaniel Jones, John W. Jones, Kemble, Kilgore, Klingensmith, Lawler, Legare, Leadbetter, Logan, A. Loomis, Lyon, J. M. Mason, Martin, Maxwell, McKay, Robert McClellan, Abraham McClellan, McClure, McKim, Miller, Montgomery, Moore, S. W. Morris, Muhlenberg, Murray, Noble, Noyes, Owens, Palmer, Parker, Parmenter, Paynter, Pennybacker, Petrikin, Phelps, Plummer, Pope, Potter, Pratt, Prentiss, Rariden, Reily, Rhett, Richardson, Rives, Sheffer, Sheplor, Smith, Spencer, Stewart, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, T. T. Whittlesey, Jared W. Williams, Worthington, Yell.—127.

NAYS—Messrs. Adams, Alexander, Heman Allen, J. W. Allen, Aycrigg, Bell, Biddle, Bond, Briggs, W. B. Calhoun, William B. Carter, Casey, Chambers, Cheatham, Childs, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Elmore, Everett, Ewing, R. Fletcher, Fillmore, Fry, Goode, James Graham, W. Graham, Graves, Grennell, Griffin, Halsted, Harlan, Harper, Hastings, Henry, Herod, Hoffman, R. M. T. Hunter, Jenifer, W. C. Johnson, Lewis, Lincoln, A. W. Loomis, Mallory, Marvin, S. Mason, Maury, McKennan, Menefee, Mercer, Milligan, M. Morris, C. Morris, Naylor, Ogle, Patterson, Pearce, Peck, Phillips, Potts, Reed, Rencher, Ridgway, Robertson, Rumsey, Russell, Sawyer, Sergeant, A. H. Shepperd, C. Shepard, Shields, Sibley, Slade, Snyder, Southgate, Stanly, Stone, Stratton, Taliaferro, Thompson, Underwood, Albert S. White, J. White, E. Whittlesey, L. Williams, S. Williams, J. L. Williams, C. H. Williams, Wise, Yorke—98.

So the bill was ordered to a third reading.

The bill was thereupon read a third time and passed.

The House adjourned at half past 8 o'clock.

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TUESDAY, OCT. 10.

## MEXICO, TEXAS, &c.

After the presentation of sundry petitions (including several from Alabama) for the establishment of a national bank,

The House proceeded to the unfinished business of yesterday morning, which was the consideration of the resolution of Mr. ELMORE, of South Carolina, to print ten thousand extra copies of certain documents lately communicated to the House by the President of the United States, relating to negotiations with Mexico concerning a cession of territory, together with the amendment proposed by Mr.

Adams, which was to strike out the particularization, and leave the order general, so as to include the whole series of papers concerning our relations with Mexico.

Mr. WHITTLESEY inquired whether it would be in order to divide the question, so as to exclude the reprinting of what had been before printed?

After explanations by Mr. ADAMS and Mr. ELMORE, Mr. W. perceiving that he had misapprehended the effect of the proposition, withdrew his proposition for a division.

Mr. ELMORE said, that from the remarks of the gentleman from Ohio, [Mr. Whittlesey,] as well as those made yesterday by the gentleman from Massachusetts, he perceived that an impression had been made that the portion of the correspondence of which he desired an extra number to be printed had been selected by himself. Such was not the fact. The selections were made in the office of the Secretary of State, and all he asked was, that they should be printed precisely as they had been sent to the House. The House had received, and had ordered to be printed, two distinct sets of documents—one contained the correspondence of this Government with the minister of Texas, touching the annexation of Texas to this Union: 10,000 copies of this are ordered to be printed. The other was the correspondence of this Government with that of Mexico, touching the boundary line between Mexico and the United States; and also touching the purchase of Texas, then a part of the Mexican territory. Now Mr. E. did not desire the printing of an additional number of that portion of the correspondence which related to the true boundary line, fixed by treaty with Spain in 1819, and the treaties both in relation to running that line, and also respecting commerce between the two countries; which subjects were kept entirely distinct, both parties agreeing to consider them separately, and make them the subject of distinct negotiations. These constituted nine-tenths of the whole mass of documents, and had nothing whatever to do with the annexation of Texas to the Union. He had wished to exclude this portion of the correspondence from his motion, from no motive connected with the gentleman from Massachusetts, but because its reprint would be a useless expense, would make the document massive and less fit for circulation, and would occasion delay in the printing. If it was true that the South, the North, and the West were to look upon the Texian question as one which, in fact, and as declared by the gentleman from Massachusetts, involved the continuance of this Union, he was desirous that they should be furnished with all the necessary information in relation to the subject contained in the papers he had indicated in his motion, and that as speedily as practicable. If the gentleman from Masschusetts, however, thought the printing of the whole important, Mr. E. had no earthly objections to it, except those he had expressed from the first; but he would readily yield even those objections to the desire expressed by gentlemen to print the whole. He would only repeat, that all which bore on the question of annexation was contained in papers named in the resolution.

The gentleman from Massachusetts had said something of a part of the correspondence being suppressed. He (Mr. E.) can only say that the suppression has been made elsewhere, if the gentleman is right. And if the gentleman from Massachusetts desires or expects to have the suppressed portions spread before the public, he must get them into the possession of the House by another call, before this House can have them printed. An order to print what we have not is a nullity.

Mr. ADAMS said that the observations of the gentleman from South Carolina had not removed his objections to the printing of garbled extracts from the documents referred to. The gentleman said he had not himself made these selections; but as Mr. A. understood the matter, the gentleman, in his motion to print, excluded just so much of the entire correspondence as suited his own purpose. Of these extracts he desired to send out to the country ten thousand extra copies, and to exclude the residue. The gentleman would have nothing published which related to the question of boundary, because this had nothing to do with the question of the annexation of Texas. But it had to do with it—much to do with it; so much, that the proposition for the purchase never could have been properly made to the Government of Mexico, had there been no open question of boundary between the two Governments. It was that very question which gave rise to the question of annexation, and which alone could authorize it. The question of boundary ran through all our intercourse with the Government of Mexico, from the moment in which it was first agitated until this day. It entered into our treaties with that Government. We were bound by treaty to appoint commissioners to run the line, (said Mr. A.) but we have not done it, Bills, indeed, had been introduced into Congress for that purpose, and had gone to their second reading, but there had arisen this agitation about the annexation of Texas, and the boundary after that could never be settled. This fact showed the close connexion between the correspondence touching our treaties about boundary, and that of the question of annexation.

One of the matters of reproach against us, on the part of the Mexican Government, was our violation of faith in regard to the boundary question. And why had we not complied with our solemn engagement to appoint commissioners to run the boundary line? What prevented? Nothing but that spirit which had taken possession of a certain portion of our population, that sudden and violent impulse, which drove them on to get possession of the whole territory, at any expense, *per fas aut nefas*, by treaty, by invasion, by any thing that would effect the purpose. [The Speaker here interposed, and reminded Mr. A. that his remarks were taking too wide a range. The question was simply on the printing.] Mr. Adams said that the gentleman from South Carolina [Mr. Elmore] had taken a similar range in his remarks. [The Chair said that the remarks of the gentleman from South Carolina had had reference to the printing. There would be no end to the debate, if it were once suffered to extend to the merits of the Texian question and our relations with Mexico.] What, (said Mr. Adams,) am I not, then, to be permitted to show that the argument of the gentleman from South Carolina totally fails him? [The gentleman from Massachusetts (said the Speaker) cannot now discuss the propriety or impropriety of fixing the boundary between Mexico and the United States, or of the annexation of Texas.] Well, (continued Mr. Adams,) I say, then, that the gentleman is totally mistaken in supposing that the correspondence touching the boundary has nothing to do with that of annexation. It has just as much to do with it as the other portion of the correspondence. I hope, if there is to be any extra printing in the case at all, we shall print the *whole*. I care not how many copies you order. I am willing that a hundred thousand should be printed, or as many more as the gentleman desires; but let justice be done to all sides, by printing the whole.

The gentleman suggests a further call. I propose, sir, to make a further call. The call, thus far, has been imperfectly answered. I do propose a further call; for, as far as I know, the most important part of the correspondence may have been withheld—suppressed. The gentleman from South Carolina has the advantage of me; I have not seen these returns. The moment they came into the House, they were laid on the table, and immediately hurried off to the printers. I have not been to the printer's office to ransack them, and to see what portion will suit me. He states the contents of these documents. I certainly have entire confidence in any statement that gentleman may make; but still I had rather have the advantage

of looking at the papers for myself, and forming my own judgment, especially when he has an interested object in making his statement. I trust the amendment will be adopted, and that we shall get the whole correspondence, and not partial extracts.

Mr. OWENS said it was very evident that the object of the gentleman from South Carolina was not to garble the correspondence, or to suppress any thing which had relation to the annexation of Texas to the Union. All he wished was to separate this from the voluminous matter in which it lay. To obviate all objections, he would propose to the gentleman to modify his call, by adding words to this effect: "Together with any other matter relating to the annexation of Texas which may be embraced in this correspondence."

Mr. ELMORE accepted this addition as a modification of his original motion.

Mr. HOWARD (chairman of the Committee on Foreign Relations) said that he should not have partaken in this debate, but with a view to the correction of an error, no doubt unintentional, on the part of the gentleman from Massachusetts, [Mr. Adams,] as every thing which fell from that gentleman, on the subject especially of foreign affairs, was of consequence. Mr. H. begged that gentleman to reflect, and see whether he had not forgotten a provision of law, when he asserted that no steps had been taken on the part of the United States towards running the Mexican boundary line. [Mr. Adams disclaimed having said that *no* steps had been taken.] Mr. H. said he only desired to state that commissioners had been appointed according to treaty, and that, if the line had not been run, the fault lay with Mexico, and not with this Government. As to the printing, he was a good deal at a loss; for he had not read the documents, and did not therefore know whether they embraced all that was desirable or not; or what it was that the gentleman from South Carolina desired to exclude. He was completely in the dark on that matter; but, being compelled to vote, he should, on the whole, rather vote to print the whole correspondence, as requested by the gentleman from Massachusetts.

He would, however, observe that this motion of the gentleman from South Carolina was not, in his opinion, calculated to subserve the interests of the cause to which that gentleman was attached. The object was stated to be to spread useful information before the people of the United States, in order that they might form their opinion on the Texian question, more especially within the next two months, previous to coming up at the regular session of Congress. The proposed publication was, in fact, intended as a virtual appeal to the people of the United States from the decision of the President. In that view he was not disposed to oppose it, though he thought the question was to be pressed prematurely—for he was satisfied there could be but one result from such an appeal, and that result would be of a character inauspicious to the gentleman's wishes. This House (said Mr. H.) is divided into three parts upon the Texian question. [Here the Chair again interposed, the debate transcending the limit of the mere question of printing.] Mr. H. said that all those who were friends to the annexation of Texas should consider well before they carried the appeal now contemplated to the people. They should consider whether they would not, as he believed they would, thereby place the administration on impregnable ground. So viewing the matter himself, he thought this appeal to the people injudicious on the part of the mover, nor would it result in the way gentlemen hoped and expected. Mr. H. said he had made up as yet no definite opinion on the Texian question. Neither, he believed, had this House or the nation; and he should be sorry if the question should be presented prematurely to the people. As to the printing, however, he should not oppose it: he would vote for the printing of a hundred thousand copies if gentlemen desired it.

Mr. BIDDLE said he had heard nothing to warrant a departure in this case from the obvious rules of justice and good faith. It would seem as if the object were to enable gentlemen to print and circulate, at the public expense, certain extracts from public documents to form an *argumentum ad hominem* against the gentleman from Massachusetts; at least with a view to shake his influence with the country on this question, by alleging that on some former occasion he may have adverted to the possibility of annexing Texas to this country.

Mr. B. was far from believing that the honorable gentleman from South Carolina had in view to misrepresent or to create a false impression. But he would not trust the opinion of any one whose feelings were plainly enlisted, to say, in presenting what favored his own views, that there remained nothing behind to explain or to qualify. It was impossible for any one safely to make such a general averment. You must see the whole letter—its full scope and drift, in order to ascertain the circumstances under which it was written, and the purpose it had in view, perhaps to operate on the hopes and fears of a foreign Power. A very striking illustration of the facility with which a passage thus introduced for a special purpose may be taken from the context, and convey an impression the reverse of what was intended, may be found in the letter just laid on our tables from Mr. Hunt, the Texian minister, to Mr. Forsyth. I allude to the passage in which he hints broadly at the sympathy with which the "crowned heads" of England and France regarded the Texian revolution.

[The Speaker here interposed to say it was out of order, at this time, to discuss the merits of the question. Mr. B. said he had no such purpose. His object was merely to illustrate, by reference to a particular case, how easy it was, by taking up a particular passage, and viewing it apart from the context, to reverse the real purpose of the writer. The Speaker persisted in the call to order.]

Mr. B. contended that the matter was of no great moment, as it only enforced what must be admitted to be true. Every one brought from the courts an invincible repugnance to this taking up of detached passages, and it equally violated the popular sense of justice.

Mr. B. said it had been remarked that if the gentleman from Massachusetts felt aggrieved, he might hereafter move to print the entire documents. In other words, the accused was to be subjected to the very inconvenience from which the accuser sought to escape. What is the avowed object of circulating these papers in the proposed form? That they may be portable and pass rapidly over the country. They may be made the subjects of pungent newspaper paragraphs, and of placards which he who runs may read. And the accused is to come halting behind with a book to ask a patient hearing from those whose minds are preoccupied, and who have no relish for tedious explanations. It might as well be said that there was no harm in casting poison into a spring by the wayside, because there are tests in the chemist's shops by which its presence may be detected. There were so many modes in which partial, one-sided views of a subject could be circulated, that he was anxious, in the deliberate action of the House, to see even the forms of justice held in reverence.

Mr. PICKENS said he could not refuse his admiration to the generous sympathy manifested by the gentleman from Pennsylvania who had just taken his seat [Mr. Biddle] for his distinguished friend from Massachusetts, [Mr. Adams.] We were told from high authority that "charity covereth a multitude of sins;" but if the gentleman relied on this to cover all the inconsistencies, real or supposed, of the honorable gentleman from Massachusetts * * [Here the Speaker interposed.] Mr. Pickens then said, his friend from South Carolina had not made these "ex-

tracts;" he had taken them in the shape in which they came to the House from the State Department. He had made no interpolations or curtailments: all he wanted was that the information sought should go extensively into the possession of the American public. He had accepted the modification proposed by the gentleman from Georgia, [Mr. Owens,] and thus met any reasonable objection which could be urged by the gentleman from Massachusetts. If there was any one question in regard to which the public were deeply interested, it was this. The argument of the gentleman from Pennsylvania was out of place. His colleague had no mean, narrow, miserable design of making an issue *ad hominem* before the public. No: he had higher, nobler objects in view. His call looked to those great and weighty questions which were agitating the whole country, and which must ultimately come before the House for decision. Was it wrong to desire that the people should be fully informed in regard to them? and that the deep sentiment entertained by freemen on such a subject should come back in all its power, and act on their representatives on that floor? These were the objects of his colleague; and it appeared to him that, in its amended form, there ought not to be the slightest objection to this resolution.

Mr. ADAMS said, the gentleman from South Carolina thinks the amendment moved by the gentleman ftom Georgia [Mr. Owens] is identical with mine, and proposes to me to accept it. This circumstance furnishes such an example of the discriminative powers of the gentleman from South Carolina, that it is an additional warning to me to adhere to my own amendment. He imputes to me the amendment of the gentleman from Georgia. I must disclaim it.

Mr. SLADE said he was unable to discover any adequate, or at least any justifiable motive on the part of the gentleman from South Carolina in desiring to discriminate in this motion to print a particular part of this correspondence from the residue. The answer of the President corresponded to the call of the House. The House had already ordered the printing of 10,000 copies of the communication. What good motive could there now be in reprinting only a part of it? Why did gentlemen, after calling on the Executive for certain information, desire to withhold a part of it from the people? If there was a good reason for the call, why was not the whole answer to be published? Mr. S. was compelled to conclude that there must be some special reason for so extraordinary a course. It was said that the modification suggested by the gentleman from Georgia, and accepted by the mover, included all that related to the Texian question, and what more did gentlemen want? True; but who was to determine what portions of this correspondence did relate to the question? The Clerk of the House? Mr. S. would not trust that selection with him. Was a committee to be appointed to do it? That course would be very unusual. There must be some motive for the pertinacity manifested in this matter which did not meet the eye. It might be personal towards the gentleman from Massachusetts, [Mr Adams;] if so, Mr. S. would stand by him and fight for him to the last. The whole correspondence, for what he could tell, might relate to the annexation question. He knew nothing about it. This he knew: the whole correspondence, embracing the questions of boundary, of treaty, and of annexation, were all contemporaneous; and he could not tell how they might be interlocked together. He asked gentlemen to consider how the honorable gentleman from Massachusetts stood in relation to this matter; and to gratify his wishes by giving a view of the whole case. Were gentlemen desirous of sending to the people two distinct versions of the subject? Was this to be done for the pitiful saving of the money it would cost to print a few more pages? Was one of Mr. S's neighbors to get the whole correspondence, and another to get only a part? If there was a good reason for printing the first 10,000 copies, there was equal reason for printing the second.

Mr. BRIGGS reminded the House that the gentleman from South Carolina [Mr. Elmore] had said that he had no objection to the adoption of Mr. Adams's amendment; and, if so, why all this waste of discussion? He hoped the gentleman would accept it as a modification.

Mr. ELMORE accepted the amendment.

Mr. THOMPSON said he had risen to ask his colleague to accept the amendment of the gentleman from Massachusetts, and print all the papers. He had not read them himself. There was no man in whose judgment or fairness he would more confide to make the selection than his friend and colleague. But it was enough for him that the gentleman from Massachusetts, whose consistency and feelings were involved, desired the whole to be published. He would not, under such circumstances, refuse to print any thing which he (Mr. Adams) thought necessary to his defence, however voluminous the matter might be. Nay, more, he would not that the slightest suspicion of trick should attach to his colleague, nor any other friend of Texas. No: he would have more respect for the opinion of any one member of Congress, even although that one member should be the gentleman from Vermont, [Mr. Slade,] and that is surely stating a strong case.

Mr. T. was not a little surprised to hear the gentleman from Maryland object that it was appealing from the President to the people. Mr. T. had seen so many strange things of late, as almost to have attained the *nil admirari*, in politics at least. But it did sound strangely in his ear to hear a leader of the great democratic republican party object to an appeal from the Executive upon a great question to the democracy itself. It was still more strange, coming from a friend of "the illustrious chief," who daily made such appeals from Congress to the people: one good turn deserves another. It was now our turn to appeal from the President to the people.

The question was then taken upon the resolution, and it was agreed to without a division.

## EXPRESS MAIL POSTAGE.

The joint resolution from the Senate requiring postages to be paid in advance on all letters sent by the express mail, was read a first and second time.

Mr. ADAMS objected to the form in which the measure came to the House, contending that it ought, regularly, to be the subject of a bill, and not of a joint resolution. It was a matter of legislation, and laws were to be enacted in the form of bills and not of joint resolutions.

Mr. BIDDLE said he would like to hear a satisfactory reason for the passage of this joint resolution. There had been no report on the subject from the Postmaster General, who, on the contrary, had expressly stated, in his report to Congress, that there was no need of any legislation in his Department. There would be a great deal of inconvenience in carrying the resolution into effect; and it would be attended with very vexatious results. It would not be instantly known to be the law, and meantime great embarrassments would arise. And it would familiarize the post officers with the detention of letters and prying into them, in order to ascertain from whom they came. Unless there were good and satisfactory reasons given for the adoption of this resolution, he really hoped it would not be passed.

Mr. BRIGGS answered some of these objections. The letters, if dropped in, not paid, and marked express mail, would of course be forwarded by the common mail. There could be no such detention as had been alluded to. The resolution, if adopted, would save a great many dollars in the payment of letter postage by persons not at all interested in what they pay for. Members of Congress, particularly, suffered by the present state of things. Not many

days ago a Senator had told him that his daily postage by express mail was often larger in amount than his *per diem* pay.

Mr. WILLIAMS, of North Carolina, moved to refer the joint resolution to the Committee on the Post Office and Post Roads.

The SPEAKER remarked that, by a rule of the House, all action by any other committees than those of the Judiciary, the Ways and Means, and Elections, had been suspended for the present session.

Mr. CONNOR alluded to some of the troubles at present experienced by the mistake of people as to the extension of the franking privilege to letters by express mail, &c. He thought the revenue arising to the Department would be benefited, rather than impaired, by the adoption of this resolution.

Mr. PHILLIPS hoped the subject would not be acted upon without due investigation. The adoption of the resolution would produce great embarrassment in the business arrangements of mercantile men, as to the opening of postage accounts in certain cases. If there was any necessity for acting on the subject at the present session, he thought it should be referred to the Committee on the Post Office and Post Roads, even if the rule alluded to should be suspended, to permit such a reference. If not, Mr. P. was in favor of laying the resolution on the table.

Mr. WILLIAMS, of North Carolina, modified his motion so as to propose a reference of the bill to a Committee of the Whole.

Mr. CUSHING alluded to yet another practical difficulty in the proposed scheme. It happened frequently that the express mail started at unseasonable hours, when it would be impossible to pay the postage of letters, for the want of clerks' attendance at such hours. The object of the express mail was expedition, and this object would be defeated by the resolution; and the revenue accruing from the express mail would be materially diminished.

Mr. BRIGGS was opposed to the reference to the Committee of the Whole. If refered at all, he hoped the rule would be suspended, and the reference be made to the Committee on the Post Office and Post Roads.

Mr. WILLIAMS's motion to commit it was lost.

Mr. GRENNELL said the House was legislating without that sort of information on the subject which should be the basis of all legislation. No petition had come up from the people on the subject, nor any communication from the public officers. The House was legislating for itself; the principal argument in favor of the resolution under debate being the imposition of triple postage on letters received occasionally by members of Congress. The express mail had not been long enough established to have fair play, and be fully understood. It had better be tested yet further.

Mr G. objected to the arguments in support of the resolution. He thought the troubles that would arise from its adoption were more than enough to counterbalance those springing from the present state of things. There was no proper information on the subject, and legislation was not called for in relation to it. Mr. G. moved to postpone the further consideration of the joint resolution until the first Monday in December next.

Mr. CAMBRELENG said that there was not now time to go off upon other subjects than those pertaining to the financial concerns of the country. He therefore demanded the previous question.

This motion was seconded by a vote of 88 to 53, and the main question [on ordering the bill to a third reading] was carried without a division; and the joint resolution being then read a third time, was passed, and returned to the Senate.

Mr. CAMBRELENG now moved for the orders of the day,

## THE SUB-TREASURY BILL;

And the House went into Committee of the Whole on the state of the Union, (Mr. SMITH, of Maine, in the chair.)

Mr. PICKENS moved to take up, first, the Senate bill, for imposing additional duties as depositaries, in certain cases, on public officers.

Mr. LEGARE strongly objected to taking up this bill in preference to other bills on the table, as being likely to obstruct and impede the transaction of business which it was necessary for the House at once to act upon.

The House divided upon Mr. PICKENS's motion, which was carried, 100 votes to 80.

The bill was then read through.

Mr. PICKENS rose and said, that notwithstanding he labored under painful indisposition, yet he felt bound to present his views upon the interesting and absorbing questions connected with the bill on the table: but he could assure the committee that he would economize its time as much as possible.

Sir, (said Mr. P.,) we have heard much declamation upon the distresses and embarrassments that pervade large classes of our community, and I confess I have heard these complaints with the deepest and most profound emotions of sympathy. I trust I have felt as an American ought to feel on such an occasion. A stranger, unacquainted with our peculiar form of Government, might be led to believe, on hearing the cries for relief that have come up to us from all quarters of this land, that we had nothing to do but to speak and to proclaim peace, prosperity, and contentment, to an excited and divided community; but, sir, I am induced to believe that that Government is the freest which is the farthest removed from those individual pursuits, and those individual occupations, that belong either to sections or to classes; and that the less we interfere with those concerns, the more contented and the more prosperous will the people be.

I have also been induced to believe that it is one of the peculiar features of the federal constitution, that this Government was formed principally to conduct our foreign intercourse with the nations of the earth, and to prepare us to defend ourselves from foreign invasion, and to resist foreign aggression; and that local interests and local pursuits, whether connected with commerce, manufactures, or agriculture, were almost entirely left to those territorial divisions over which separate and independent Governments hold their sway. I protest against this modern doctrine, which has been introduced so extensively into this country within the last fifteen years, and which teaches classes and sections of this community to look up to the bounties and favors of this Government with more eagerness and anxiety than do the farmers of our land, under a burning noonday sun, look for the coming shower to bless and refresh their parched and withering fields of grain. The consequence of all this is to introduce that servile dependence upon this Government which is utterly at war with the nature of our institutions and the integrity of man. Sir, I feel for the distresses of my country, and I trust I shall ever feel as I ought; but there are constitutional limitations to this Government that forbid the idea of carrying out those sympathies which, though they ever belong perhaps to generous natures, yet, if habitually put into practice, produce as much injustice and pressure, and not unfrequently more, than they ever avoid. Any other doctrine would substitute our poor and frail judgments in place of that interest and instinct which belong to every individual in society, and prompt him to pursue whatever is best and most suitable for his happiness and prosperity. But let the Government attempt with one hand to dispense favor and bounty, and the inevitable consequence is, that the other will be stretched out but to be felt in its pressure and the burden it imposes. Such reckless and miserable policy as this would

convert the Government into one great insurance office for all those who chose to engage in the mad and giddy career of speculation and extravagance, instead of waiting the slow but certain rewards of honest industry. Government has no magic power by which to create wealth or to bestow its bounty upon one class or one section, unless at the expense of others.

Mr. Chairman, I am not disposed to trespass upon the attention of this committee, by discussing minutely those abstruse questions connected with currency and trade. I too well understand the sagacity of this committee, and its profound common sense, to detain them long upon those subjects. I know well, sir, that for a man to discourse here upon currency, trade, and commerce, at least if he expects to command the attention of this body, he must have a high character for experience, and be blessed also with a good old age. Yes, if he expects to entertain this House upon those abstruse questions, he must first put on the "powdered wig" and "fair top boots," and place himself on the "tripod," and talk about trade and commerce beyond the waters, and in another hemisphere, thirty or forty years ago. Such a man would be listened to as a sage, particularly if he stepped forth as the advocate of some peculiar theory, or if he ascribed the pravailing embarrassments to some foreign or remote cause, or declared them to be owing to causes beyond our control; to something that operated deeply upon the community, which they could neither foresee nor avert! If one were to proclaim the doctrine that our suffering and ruin have sprung from over-speculation, over-trading, or extravagance, or a combination of them all; or if he were to say that many a man had been brought to bankruptcy and poverty by dashing forth in a coach and four, with splended damask curtains, brussels carpets, and broad mirrors, upon a capital in reality of but three hundred dollars, with a credit of thirty thousand dollars, he would advance such sentiments but to call down upon his head the denunciations of the wise in this enlightened age for his folly and his madness! But while I am not disposed minutely to touch these intricate points, I cannot altogether overlook them without a passing notice.

The immediate causes, sir, of our distress arise from that peculiar system of credit and currency which has, for the last five years, been enlarged so extensively both in England and in this country. In England, during the year 1836 alone, no less than two hundred joint-stock banks were created; the influence of which was deeply felt, first in that country, and then in this. Vast facilities were extended to our capitalists, while, also, they received an extension of the credit system here, connected with a peculiar juncture in our affairs during the same period. The Bank of the United States was about to wind up, or was supposed to be about to wind up its concerns. For twenty years had that institution held a control over the currency and exchanges of the country, and hundreds, I might almost say thousands, of other institutions were created in order to supply the demand in the circulating medium which, it was supposed, would ensue upon the decease of that bank. We all know, too, (I refer to these things as matters of history,) that a war at that time was carried on against that institution; and that, for the purpose of creating counter interests in society, the deposites of this Government were placed in local institutions; and that these latter, after being made the fiscal agents of this Government, with an immense surplus, were expressly encouraged, nay more, enjoined, to enlarge their circulation. This, connected with the extended credit system in Great Britain, and the long peace which had engendered confidence, producing large investments of foreign capital in our stocks, had the effect of expanding our local currency and credits, and produced a gigantic system of speculation and enterprise never witnessed in any age or country before. I do not allude to the increased amount of mere issues alone; but the bills, checks, and other substitutes for money which these banks brought into circulation. This produced a bloated system of credit, which, with the apparent prosperity of the times, seemed to expand and place unbounded means within the grasp of almost every individual member of society. He seemed to breathe a new atmosphere, and gaze alone upon the splendid fortune that glittered before his excited imagination.

This system has one remarkably peculiar feature. It grows up, is fostered and nourished under free institutions. But there is another remarkable principle in it, that, after it has spread itself into all the ramifications of society, then, sir, those who depend upon it, and are deeply identified with it, (although at first springing up under free institutions,) soon become disposed to lean, for aid and support, upon any Government, no matter how despotic, rather than run the risk of a shock by reform or revolution.

The slightest irregular movement of the Government must necessarily produce an electric shock in this delicate and vital credit system, which would be felt, and extend from the centre to the circumference of all society. It can only live under a free Government, as far removed from it as possible; and, if it be once brought into contact with a lawless Government, it must either fall all together, or lean upon that Government for protection and support, and become intimately identified with it. Now, I am about to refer to something which belongs to the history of this question, and which has happened within the last four or five years. To my mind, it is an example not to be disregarded, but presents a lesson of profound wisdom, which no one can reflect upon without profit. The war made upon the Bank of the United States, and the seizure of the public deposites—a seizure without law—caused local institutions to spring up like mushrooms, under the fostering care of an all-powerful hand here, dispensing distinction and patronage and wealth, until all society became, as it were, dependent upon his will and movements. Let no man be induced to create the same state of things again, when a bold and daring genius may be tempted to run the same career, and bring the property and honest industry of the country under the will and mercy of him who may give life and soul to this Federal Government.

This conflict produced a tremendous shock, and even the banking system itself, the local institutions, created for the express purpose of sustaining the warfare against that overshadowing central institution, have been paralyzed, for a time at least, under its desolating effects. And here I will say, that though I ever believed in the unconstitutionality of that institution, yet those who made war upon it never could have succeeded without raising up powerful local antagonist interests. The effect of that war was felt from one end of the country to the other, and the consequence was, that sagacious capitalists in stocks, ready for any result, began to look elsewhere for safe investments; and hence it was that we find such extensive investments in real estate, to the amount of forty millions of dollars, in two years alone, in the public lands, besides upwards of one hundred millions in other real estate speculations, such as town and village property, &c. This conflict against credit, deeply affecting currency, was anticipated by capitalists, who preferred risking the loss of something in the high prices of real estate, to a probable loss of all. It was at least investing in something beyond total destruction from an arbitrary Government.

Sir, when this change began, and the capitalists began to contract their credit, the banking institutions of the country also felt it incumbent upon them to contract, too. And what was the result? Why, the result was exactly what we now experience.

Approaching this juncture, viz. in 1836, the deposite act was passed, to be carried into effect in 1837. I was a supporter of that law, sir, but I understood it at that time,

as I now understand it to be, in the nature of a bill for general account and settlement with those institutions which had, up to that time, leaned upon, and been sustained by, the credit and fiscal action of this Government. They were therefore compelled by that distribution or deposite act, and particularly in the peculiar manner in which it was executed, to come to a general account. Their paper was necessarily compelled to be "convertible" paper, or they themselves compelled to suspend specie payments. This circumstance, connected with our immense foreign debt, and the demand thereby produced for specie, or its representative, abroad, brought about this result; that is, brought us to the present condition of the country, under a general suspension of specie payments by the banks.

But, Mr. Chairman, I will say here, that the great and radical difficulty, and, in fact, the primary cause, that produced the present state of things, arises from the peculiar currency which, in modern times, has so much extended itself in Great Britain and in this country, and its peculiar capacity for expansion and contraction, in the hands and under the control of banks and bankers; and particularly from the fact, that there, as here, the system has depended upon and been so deeply identified with Government, and its financial action, for support and extensive credit. This is the real and radical cause which has produced this great shock in our modern banking and credit system.

Sir, under this suspension of specie payments the Government is found in a peculiar situation. Under the law of 1816 it can receive, in payment of its dues, nothing but gold and silver, or convertible paper, or notes of the then Bank of the United States; the latter clause became, however, practically repealed when these institutions suspended specie payments, thereby making their paper inconvertible. Then, there was, in fact, under the provisions of the law, an immediate separation of the Government from the banking institutions of the country. Under the law, the Government could not take inconvertible paper, and convertible paper did not exist from one end of the country to the other, with the honorable exception, perhaps, of one or two banks in the State of Georgia, and a single small institution in the State of Ohio. And now, sir, the great question presented to this committee is, not whether you will separate the banks from the Government, because that is already done, but the great question is, whether and how we shall reunite the Government and the banks. Under this view of the case, we have three alternatives presented to us:

The first is, to reunite ourselves, or rather the Government, with the State institutions, in the manner in which they have been connected for the last three or four years.

The second is, the proposition creating a bank of the United States, a national institution to conduct the fiscal operations of this Government, and regulate the exchanges and currency of the country.

The third is, the proposition on your table, sir, to separate the Government and its agents from all banks whatever.

Now, sir, as to the first proposition: if we do not separate the Government from the banks in this peculiar juncture of our affairs, we never can separate them. The system will be fixed upon us forever, and we compelled to run the same round we have done for the last three or four years in periodical terms, and then be in the same, or worse condition—distracted and embarrassed from one end of the country to the other.

Now, Mr. Chairman, I have heard a great deal as to the comparison between the State bank system, as it is called, and the peculiar policy of separating the Government and its agents from all banks whatever. I have heard too much declamation and no little denunciation of that system, that it is the most outrageous proposition ever presented to the American people; that it is, in fact, a Treasury bank. Yes, sir, I have heard much declamation upon that subject, both here and elsewhere, (better suited to newspaper politics than grave legislation,) but I confess to you that that declamation only reminds me very strongly of the description of a certain grandiloquent class of poets which a profound and polished ancient critic describes as swelling—

> "Inceptis gravibus plerumque et magna professis,
> Purpureus, late qui splendeat, unus et alter
> Assuitur pannus."

It is not pretended that this system is perfect, because you cannot present any system to the people that is so. All questions upon which a practical legislator is called to act, involve more or less a comparison of evils, and we must not adopt any measure as perfect, but as embracing the lesser evil. We must go on to perfect details after the establishment of great and vital principles. It is neither pretended, sir, that this bill involves no patronage: it certainly does to a degree. But the question is, whether this system, or that of employing the local banks as fiscal agents of the Government, contains or involves the most patronage? Now, upon that point, permit me here to say that I feel myself committed, from a deep and an anxious reflection upon the question heretofore. The question is between the power and influence of an individual, and the power and influence of an incorporated bank. To tell me that a bank which chooses to go into the politics of the country, with its power to extend discounts and accommodations to its friends, and refuse them to its enemies, has no more influence than an individual, is to tell me what is contradicted by the daily experience of every man; even if that individual have millions of the public money in his possession for safe-keeping. Sir, the one system winds and spreads itself into all the secret and business recesses of society. Hundreds and thousands of honorable and high-minded men have been brought to degradation and sycophancy by this tremendous and almost invisible power. I have seen them around their domestic firesides, with every thing apparently to bless and gladden the heart of man, full of sadness and gloom; while even those who were the confiding and devoted partners of their joys and their sorrows, were in doubt and ignorance as to the causes of melancholy and dejection.

Sir, this system is as hidden as the air we breathe, and penetrates unseen, but, alas! not unfelt, into the most retired scenes of society. No man can tell upon what power he is depending when he looks for support, aid, and assistance from this system. No man can tell what the situation of his neighbor may be—what his obligations—his alliances and contracts, that swerve him from the path of independence and rectitude. Then how can you say that such a system as this, allied to, and dependent upon Government, has less patronage than that which makes an individual responsible for whatever public funds he may have in his custody, without the power of loaning, without the power of discounting, without the power of accommodating a friend, or refusing an enemy, unless he chooses openly to incur the odium and penalty of crime and misdemeanor? It does seem to me that the question admits of no argument so far as the question of patronage is concerned.

But I have said, sir, that I felt myself somewhat committed on this subject. In 1835, a friend of mine from Virginia, (Mr. Gordon,) now not a member of this House, (and I will here take occasion to say of him, that he is a gentleman who would have done honor to Virginia in her proudest days of glory and fame,) presented the very identical proposition to this House which is embraced in the bill on your table. For that proposition, sir, I then voted. I acted from reflection, and from a conscientious conviction of the effects of that measure to bring about honesty in the Government, and secure the independence of the people. True, I was then but a very young man, and

had but for a few weeks taken my seat in this House; yet, sir, I had made up my opinion from observation and reflection. And although young, yet, to use the language applied to another, I was old enough—

"Acta parentum jam legere, et quæ sit poterit cognoscere virtus."

Sir, I had formed my judgment then, and have not yielded it since. On the contrary, the experience between then and now has only tended to confirm my conviction.

I desire the Clerk to read the proposition and the vote upon it.

"The question recurred on the motion made by Mr. GORDON, to amend the said bill, to strike out all thereof after the enacting words, and insert:

"That, from and after the —— day of ——, in the year ——, the collectors of the public revenue, at places where the sums collected shall not exeeed the sum of —— dollars per annum, shall be the agents of the Treasurer to keep and disburse the same, and be subject to such rules and regulations, and give such bond and security as he shall prescribe for the faithful execution of their office; and shall receive, in addition to the compensation now allowed by law, —— per centum on the sums disbursed; so that it does not exceed the sum of —— dollars per annum.

"Sec. 2. *And be it further enacted*, That, at all places where the amount of public revenue collected shall exceed the sum of —— dollars per annum, there shall be appointed by the President, by and with the advice and consent of the Senate, receivers of the public revenue, to be agents of the Treasurer, who shall give such bond and security to keep and disburse the public revenue, and be subject to such rules and regulations as the Treasurer shall prescribe, and shall receive for their services —— per centum per annum on the sums disbursed: provided it does not exceed the sum of —— dollars per annum.

"Sec. 3. *And be it further enacted*, That, from and after the —— day of ——, the whole revenue of the United States, derived from customs of lands or other sources, shall be paid in the current coins of the United States."

This received 33 votes.

Mr. Chairman, it was not my desire, nor have I caused the vote upon that proposition to be read, to show the consistency or inconsistency of any honorable member of this body. My sole and entire object was to prove that the present bill was no new proposition, and that, as far as I am concerned, it is the very identical proposition upon which I then voted coolly and deliberately. I have no desire, sir, to show that there has been any contradiction on the part of any gentleman on this floor, or that there has been any change in their opinions. It is with neither of those views that I had the proposition read. I will now quote a paragraph from the speech of the mover of the proposition, made at the time, as illustrating the views under which we acted, and which too truly portrays what has really happened since, and what, I fear, we will again see, if the system be continued. Mr. GORDON said:

"There is another consideration which has induced me to offer this amendment. We may all very plainly see that the contest for the Executive office is the rock on which the permanency of this republic is likely to be wrecked. And the vehemence of this contest will ever be in proportion to the Executive patronage. But for this, the office would have no allurements but for virtuous ambition; but with this concomitant, it exerts an influence which may one day prove fatal to the federal part of our system. If we do not separate the influence of the Executive from the interest of banking corporations, we shall have another controversy on the subject of banks. The political will be united with the money power; the contest must come; it will come. You will witness a struggle in this Capitol between State banks and federal banks; and the combatants for the President's chair will be found contending in different ranks of interest and influence, whilst they mar the peace of the country, and shake the pillars of the constitution. Separate them, I beseech you, representatives of the American people, if you wish to put down this fearful contest for the Presidential chair—I had almost said Presidential throne—separate, I beseech you, banking and politics. Let the banks facilitate the exchanges of commerce, and further the interest of trade; but let them, I pray you, have nothing to do with the Government."

The predictions of my friend have been fulfilled to the letter. What have we seen? You brought into existence a system of State banks, connected from one end of this Confederacy to another, receiving, disbursing, and acting upon those deposites, organized and controlled by, and responsible to one man, and then brought into overwhelming conflict, as I believe, with the freedom of elections. Sir, I speak plainly. I believed then, and I now believe, that this was the true source of power for the last three years. Gentlemen may speak as they please; they may deny, and say they have never seen or felt it; but who is it that knows any thing of the operations of banks—who is it, at all acquainted with their peculiar influence, who is not irresistibly impressed with their tremendous power? Sir, I believe they did more than any thing else to elect the present President of the United States; and am I now to be called upon, and urged to re-organize such a system, and abandon the position I then assumed? The experience of the last three years strengthens my position. It may be denied, but I conscientiously believe that these institutions have controlled, more or less, not only the destinies of this Government, but the destinies of the people of this country during that period. Yes, we all know that at the last session of Congress enough was developed upon this floor to demonstrate that there was an organized system, acting through one man, giving energy to the whole, and for one and the same purpose. Yes, sir, we have seen this cordon of leagued banks, with their various interests, raising their banner from one end of the Union to the other, upon which was inscribed the infamous motto, "To the victors belong the spoils;" and calling upon their mercenary bands to gather in to the plunder of sacked cities and subjugated provinces.

Again, Mr. Chairman, am I now, at this time, to change my course because others have come to me? No, sir, I maintain the very grounds I then maintained, and I ever will maintain them till my judgment and my conviction tell me they are wrong.

I cannot but believe that the signal failure of these institutions as fiscal agents for this Government—I cannot but believe, too, sir, that the experience of the last three years, must have convinced every one of their inefficacy, and the inexpediency and folly of their being selected again as the depositories of the Government, except with *one* view. And this is the reason why some gentlemen now acquiesce in their reorganization; that is, that they well know that this operation, and their reorganization, will bring us again into a state of anarchy and confusion, and force the country into the adoption of a bank of the United States. They know well, sir, that it tends to that, and they know that if these State banks are again selected as public depositories, they will be but a stepping-stone to the establishment of a bank of the United States. This, sir, is the real, the true issue. It is an issue between making the fiscal agents of the Government separate and independent from all banks, and the establishment of a bank of the United States, which inevitably must be adopted eventually, and that not at a very remote period, if you readopt now the State bank system as the fiscal agency of the Government.

As to the constitutional argument, Mr. Chairman, in reference to the establishment of a national bank, I will not trespass upon the attention of the House to discuss it

at length at this late period of the session. I too well know, sir, that a reference to the strict letter of the federal constitution is too apt to excite the laughter and mirth of a majority on this floor; and the gentleman from Pennsylvania, [Mr. Biddle,] the other day, with truth, alluded to an observation of a late distinguished citizen from Virginia, (John Randolph,) that "the time was not far off when a man would be called to order on the floor of Congress for speaking of the constitution of the United States." I am not, therefore, disposed to press that argument, but still I take occasion here to say, that the framers of the constitution never intended to confer such a power. What changes might have taken place, could they have foreseen what has since taken place, is a question not for me to decide. I lay down this position, from the history of the federal convention, that the framers of that instrument never intended to confer this power. And why? Because the proposal was distinctly made, first to create corporations generally, and then to incorporate where the general good required. These propositions were referred to a committee, and that committee never reported. Afterwards a proposition was made to confer the power to make canals, and a motion to amend it, by conferring the power to create corporations, was made, and it was expressly rejected. One argument used in debate was, that, if this power were conferred, the Government would incorporate a bank, and that, therefore, the large cities would then be opposed to the adoption of the constitution. As far, then, as history is concerned, it is clear the framers of the constitution never intended to confer that power.

I know, sir, there is an argument upon this point which appears very specious. It is this: that in looking into that instrument, we cannot look *dehors* the preamble and the specific provisions for its sound construction, but are bound to confine ourselves to the instrument itself. Sir, if this were a court of justice, I would yield to the general soundness of that rule; but we are a political tribunal, not sitting in judgment upon the law already made, but to make the law itself, according to the instrument under which we hold authority. I know that, in a judicial tribunal, in a case arising between *meum* and *tuum*, where vested rights are concerned, a judge can only look to the preamble and the act; he cannot look beyond the law itself. This is a sound and wise rule, as applied to a judicial tribunal, but will not hold in its application to a political tribunal, where we are bound to look at the circumstances under which the constitution was formed, and we are to decide on the powers contained in that instrument by the circumstances under which it was itself adopted. Here we have no case arising under the law, no vested interests. That which is a wise rule when applied to a judicial tribunal, has no application to a political tribunal. The creation of a corporation is the exercise of a substantive independent power, and to attach it by construction as a vagrant power to this or to that clause in the constitution, is establishing a loose generality of reasoning which must end in the total overthrow of that noble instrument. I am not unaware of the argument, that, in fact, the constitution of the United States intended to confer the power in this Government over the currency of the country, and that the State banks have been created since the formation of that instrument, which have substantially created a new currency, and thereby usurped that power from the General Government. It is a *questio vexatur* whether the States have not committed a fraud upon that clause in the constitution which forbids them "to emit bills of credit, directly or indirectly." They have created local institutions, which, to a great extent, have set afloat a new currency that the framers of the constitution never contemplated; and now it is contended that it is constitutional to counteract and control this currency by the creation of a corporation under the style and title of a bank of the United States. Now this argument proves too much, if it proves any thing; because it is clear that if this evil has arisen since the formation of the constitution, the framers of that instrument never could have intended to counteract it. The evil is admitted to be a new one, and has arisen since the formation of that instrument, and they never could have intended to confer a power to counteract that which they never understood or knew would exist.

Sir, I say the argument proves too much; but I am not disposed to press this matter. I will only say that, as far as experience goes, (and it may seem strange to some gentlemen, but I am disposed to lay down and maintain the proposition, strange as it may appear to some,) the bank of 1816 never did restore the currency of the country, and could not; that it was not the bank which restored the deranged currency at that time, but it was the power and credit of this Government, under the constitution, by enforcing the collection of its dues in specie. If this power had been simply enforced, it would have compelled an unsound currency to be withdrawn, or to fall to an ascertained value. The United States Bank was the agent to carry on the fiscal operations of the Government, and what gave it power was the credit given to it by this Goverment, declaring that its bills should be received as gold and silver. It was the credit of this Government endorsed upon its bills, without reference to their convertibility at all, but simply and absolutely receiving them as gold and silver. The Government, being the great and universal money dealer, had practically surrendered up its power to coin money, and to receive nothing else, into the hands of a corporation, and made its notes the same as coined money, so far as the Government demands were concerned. But even then, in 1817,-'18, and '19, that bank was brought to the brink of insolvency, and all the other banks were made to feel its power, while many fell prostrate before it. And what alone sustained that bank then? The power of this Government, declaring that its bills should be received in payment of its dues as gold and silver. While other banks had to sustain themselves upon their capacity to convert their bills into coined money, this bank sustained itself by the Government converting its credit to the use and benefit of the bank, and that credit serving as a specie basis. The great confusion that has occurred on this subject arises from the fact that many have confounded the power and credit of the Government with that of the bank.

The power to "coin money and regulate the value thereof," and the prohibition of this power to the States, and also the prohibition that prevents any thing but gold and silver bing made a legal tender, is all the power conferred by the constitution over the currency. Whether it be defective or not, it is all the power given. But if it be rigidly adhered to, without temporizing, it must, of necessity, create a general standard by which the local or paper currency can be compared. It is immaterial what a bank bill purports to be on its face; if it have an ascertained value, by comparison with specie, it is all that can be required. And the Government, collecting its dues in this standard, and habitually disbursing its equivalent, would create centres at different points, around which the local currency would revolve, and receive a fixed and known value.

Sir, to all intents and purposes, this would be a measure of currency. I am aware that it is not as exact a measure as weights and measures are applied to other things, but it is the best ever invented by man, and comes nearer to it than any other standard yet created by Government, or which, I believe, can be created. As to exchanges, this is not a subject within the legitimate object of this Government, except as it may be incidentally affected. They must be left, as they are in other countries, to be regulated by the interests of the commercial community, and conducted by banks or bankers, who have acquired credit by long economy and prudence, based upon real capital, and resting upon the productions of different sections.

Sir, the difficulty in 1814 and 1815 was, that the Government became embarrassed and involved. Individuals could not advance to it. The local banks did advance; and upon the faith of the debts, in the shape of stocks, they held against the Government, these banks went on discounting as if they had that amount in specie instead of Government stock; and what was the result? Why, when those debts became due, the Government itself was unable to make payments, and the inevitable consequence was, that these local bank notes fell below par, as they could not be converted, and the Government then, in turn, sustained those institutions it had borrowed from. And, although it never was, I believe, sanctioned by law, yet the Government received their notes in public dues on a par with gold and silver. This produced a demand for depreciated paper; and that which was most depreciated was sought after to pay into the custom-houses, as it could be purchased with the least coined money. The result of this was that the Government would have had finally all the depreciated paper of the country forced upon its collectors. It was the policy the Government adopted of receiving advances from the local banks, and then pursuing the temporizing expediency of receiving their depreciated paper, after they had discounted upon what they had no right to discount upon, (because they were, at the same time, receiving interest upon the Government stocks,) that involved us in the depreciated paper of that day. It was the folly of this Government, not its impotency under the specific powers of the constitution. It was this state of things which the Government felt bound to stop the progress of, and they therefore adopted the joint resolution of 1816, declaring that they would receive in payment of the public dues nothing but gold and silver or the notes of specie-paying banks. This, of course, threw depreciated paper out of circulation, and stopped the issues of spurious banks. The Government was enabled to enforce this resolution, because peace had been restored, and the resources of the country became expanded; and if they had adhered to that resolution, and never adopted the policy of receiving other notes, you could have had, for all practical purposes, a sound currency, according to the intent of the constitution.

It is the only control over the currency which the constitution contemplates; whether enough or not, has been questioned. I contend that it is enough for all safe purposes. You receive nothing but gold and silver or its equivalent, and the result is, that the local banks are compelled to have that which is as good as gold and silver, or their paper will be run back upon them. I admit that if you receive by law, as the permanent policy of this country, the paper of local institutions, the result will be that you are compelled to resort to a bank of the United States. I maintain that if you receive paper, you cannot control it and make it a sound and equal currency under the constitution, except by and through a national bank. There are but two feasible modes by which you can regulate the currency. The one is the mode provided for under the constitution, in the clauses to which I have referred, and which is the mode intended and pointed out by our ancestors. And if you attempt to throw this Government upon that stupendous system of currency which has grown up in modern times, by receiving the paper of banks in Government dues, then there is no other possible regulation of it but by a bank of the United States.

But, sir, what a monstrous proposition is contained in the second mode! You declare that you will receive the paper of banks, and you charter a bank of the United States, and give it power to control all other banks; and, by subjugating the State institutions through the creation of this check, you at the same time part with the power given to you by the constitution, and confer it upon a set of men wholly irresponsible, except to the stockholders of their bank, and reckless and regardless of every thing, save the interests of the institution. Sir, in creating such an institution as this, you create a greater evil than that which you intend to counteract.

What would have been the result in 1813 and 1814 if a bank of the United States had been in operation? Why, the Government being in difficulty, instead of borrowing from the local institutions, as it did, it would have borrowed, in all probability, from that bank; that bank would have discounted upon the credit of the Government, as the others did, and the Government being unable to meet its debt, the notes of the institution would have fallen below par, as those of the local banks did, and you would have had precisely the same state of things as did take place. And then nothing could have sustained the bank but the power of the Government to receive its notes as gold and silver, although not convertible; and this Government credit would have given it power and control over other banks without the slightest merit. It is absurd to talk about the bank sustaining the Government. The Government can sustain the bank, but not the reverse. The credit of restoring the currency is due to the Government, under that noble instrument, the constitution, and not under the bank.

But, sir, will you part with your power—the power to coin money and regulate its value—a power that is one of the greatest and highest attributes of sovereignty? And if you make paper money the currency of the Government, then the power that regulates it is as high and sovereign as the power that now makes coin and fixes its value. And let gentlemen recollect that, if they once part with it on the policy of creating a bank institution, it is not to last for this year or the next, but forever; for that which is sound policy in regulating the currency now, will be so fifty years hence; and it must become a branch of Government, permanently engrafted upon the institutions of the country. And are we prepared to say that those who are to manage it are forever to be pure and enlightened men? Recollect that the power that holds the sway over the currency, holds a sway over the fortunes of every man in this republic. Sir, if we once part with this power, my deliberate and firm conviction is that we shall centralize a moneyed action in this country, which will, in the end, make the labor of the confederacy virtually and forever tributary to those who will have but little interest in it. I believe that nothing tended so much to this as the establishment of the last institution. It is its natural and inevitable course.

Now, sir, what would be the results upon the exporting sections of the country? Where would you locate your institution? Why, you must place it where nine-tenths of the banking capital of this country already exists. And what can be a greater or more tremendous engine of power than this, located in a particular section, organizing with system, and creating dependence in all the banking and stock interests of the country? You do nothing more or less than give away the power to regulate the money and exchanges of the whole country to an institution located in the non-exporting section, and thus deprive forever the possibility of the exporting region of the country doing its own importing trade. Identify it with Government, by receiving in public dues its notes as gold and silver, and you in effect loan the credit of this Government, which is equal annually to its revenue and disbursements, to capitalists in stocks for their benefit; thus creating an artificial credit, instead of letting all interests, resting upon their natural resources and credit, rely finally upon the productive industry and *bona fide* capital of each individual or section.

Is it not an extraordinary fact that nearly all the exports and imports of the exporting region of this confederacy touch, both going and coming, at Northern ports? Why is this? It has arisen from the fiscal action of this Govern-

ment, which has heretofore sustained, and been identified with, the banking capital of this country. We have raised the articles demanded in foreign countries, and they compel us to touch, both going and coming, at their ports. This does not arise from their holding the tonnage, or their bottoms, but they hold the credit or banking system, and, by their connexion with the Government, create exchanges against us, and force us to touch for tribute. Suppose, for a moment, we were separate States, would it not be absurd for us then to touch at foreign ports? Let there be no central moneyed power with which the fiscal action of the Government shall become identified, and the export region will do its own imports through its own ports. With our local currency, resting, as it does, on those articles which go into the markets of the world, fifteen per cent. discount in New York, we can never afford to sustain the state of things that has existed heretofore. Without a bank, identified with Government, the exports of the country must, to a great extent, become a substitute for all foreign and even domestic bills.

Mr. Chairman, in looking over the statistics of the past, I find that, in 1769, Virginia and Maryland imported, in amount, 851,140 pounds sterling; the New England States, 561,034; New York, 188,976; Pennsylvania, 399,820; South Carolina, including part of North Carolina, 535,714 pounds sterling, &c. In 1774, the exports from Virginia and Maryland to England were 738,356 pounds sterling; South Carolina, 579,549; Pennsylvania, 175,962; New York, 187,018; New England, 116,588, &c. This general proportion is sustained, with no great variation, whenever things were not deranged by war, up to 1788 and 1789. The export region did its imports; and, although it was, of course, generally in foreign or British bottoms, yet it never touched at two ports, but went and came directly through our own ports. But things have now changed, and we have lost our relative proportion. Trade was then suffered to take its natural channel. Since then, however, the political power, together with the moneyed power, has been worked against us, and our trade is now compelled to touch where nature never intended. I contend that, as far as the fiscal action of the Government is now concerned, we are where we were under the articles of the confederation; and I, for one, desire for the present to keep there. And, sir, it is under these convictions, and believing this to be the operation of things, that I feel bound to make the true issue now presented by the bill under consideration. I contend that this organization of the banking power of the country connected with the Government tends directly to the result which I have attempted to show; that is, to make the labor of the exporting region of the country tributary to those who hold nine tenths of the banking capital in their hands I call upon gentlemen to consider well before they make this plunge. We have some deeply interesting questions before us, intimately connected with the power and ascendency of sections, and the destiny of this republic. Sir, I have been here for three years, and watched the progress of this abolition feeling, which is now spreading itself over half of this confederacy. When it was first brought into this hall, it was viewed with indifference, as the excitement of a few bigots and fanatics. But now, in the short progress of a few years, we find that it has pervaded all society with intense anxiety. That speck, which was at first scarcely visible to the naked eye, has now grown blacker and deeper, until over one half of our horizon hangs a dark and gloomy cloud, through which the thunder rolls and the lightning flashes, and this temple, under which we all have heretofore gathered for common protection, is destined to rock and totter amid the desolating whirlwind and rushing tornado. It has assumed of late somewhat a different shape.

But gentlemen need not be deceived by the color given to the Texas question. Do you suppose it is opposition to Texas? No. It is opposition to that vital interest in this confederacy with which we are identified—a deep, pervading opposition, grown up from education and infancy, and partaking now even of the religious sympathies of the community; and I call upon gentlemen to pause before they are willing to throw the power and the credit of this Government into the hands of capitalists who are at war with us, not only in interest, but in feeling and in sympathy. Organize again the banking interests of this confederacy, and connect them with Government, and you cannot escape from the grasp. I cannot look upon the future without feeling the deepest (unless we are true to ourselves at this juncture) and most solemn apprehensions that that persecuted and slandered country, which now stretches itself from the banks of this noble river to the mouths of the Mississippi, rich in character, rich in intelect, rich in the glory of the past, rich in all those qualities which make a great and a gallant people, will, in progress of time, be laid low in ruin and desolation, with only here and there a solitary inhabitant to trace out, upon deserted tomb-stones, those obliterated letters which transmit to posterity the names of our mighty dead, and then to shed over them a burning tear.

Sir, it is the fiscal action of this Government, connected with the banking power, that has tended to draw from us our substance for forty years. It is the vampire that has fed upon our life-blood and our vitals, and I, for one, am not prepared to perpetuate it, or sanction its renewal.

But, Mr. Chairman, gentlemen say, in opposition to this bill, that is impracticable, and that the Government will find great difficulty in getting along with it. Sir, that furnishes no objection in my mind. I love a Government the better that moves with difficulty. Despotisms only move in untramelled power. Free Governments live and move in difficulty. Collect your taxes with difficulty, and the consequence is that you never will find people willing to pay taxes for distribution upon lawless and unconstitutional objects. No, sir, the difficulty presents no obstacle to the passage of this measure to me. When Mr. Fox visited Paris, at the time Napoleon was in the height and pride of his glory, the First Consul desired to know something of the operation of the trial by jury, with a view to introduce it into France. But when Fox told him that its fundamental principle was that no man could be deprived of his rights but by the judgment of his peers, and those peers twelve of his fellow-citizens, the First Consul immediately replied it would not do for him, "his Government would find too much difficulty to get along with it."

Mr. Chairman, many may suppose that I am unnecessarily apprehensive in my fears as to the connexion of the banking system with the power and credit of this Government; but, sir, I have seen enough to fear and dread it. In 1832, when the contest, as we supposed, was about to arise for the very existence of our peculiar rights and liberties, we felt its power. And, though I shall forbear to dwell upon particulars now, yet I will take occasion to say to those gentlemen who are deeply identified with that institution—those gentlemen who were the bitter political opponents of the then President of the United States, what was the spectacle they exhibited? When he asked for the sword of this Government, to be buried in the vitals of our people, they came forward and gave it to him freely. And why? Because they dreaded a revulsion which would shake the credit system, and that institution, with those who depended upon it, to the deepest foundation. Sir, no part of this country, under the influence of a bank of the United States, will ever resist the encroachments of this Government, or the Government itself, however despotic it may be. Such an institution, then, connected with this Government to control the moneyed power of this country, I confess I dread. I confess I do look with dread and terror upon its influences. Sir, if you want to make the

Government of this Union despotic, create a bank of the United States, and connect it with the destinies of this Government, and, my life upon it, you can never escape.

You can never resist this Government in the hands of the moneyed power of the country, and the result will be that the fairest portions of this Union will become tributary to other and more powerful sections.

Mr. Chairman, while making these observations, I confess that I will go as far as any gentleman to sustain those peculiar local institutions organized by the States for their benefit, and to carry on their commerce with the different sections of this country. If they be properly organized, and limited within proper bounds, I will go as far as any man to sustain them, and give them vigor, as long as they act upon *bona fide* capital, for the good of the community, as well as for their own individual interest: such institutions are essential to the present state of commerce. But, while I say this, I am compelled to say that I believe the banking system of modern times, as organized in different sections of this country, has any thing but a tendency to elevate or give liberty to man. Even this very session we have heard gentlemen upon this floor, from the State of New York, denounce the manner in which things have been conducted there as disgraceful and outrageous: charters granted, stocks distributed to political partisans for political power and ascendency.

The minority there, as in many other sections of the country, have been practically reduced to political vassalage; and it is idle to discuss or question the fact that stock operations have been organized with a sole view to sustain political power, and make the labor of the country tributary to themselves.

Now, sir, a gentleman from Massachusetts, [Mr. Cushing,] not many days ago, warned Southern gentlemen, and declared that the "progress of radicalism at the North was nothing more than the progress of abolitionism." Sir, I have thought of this matter. I have considered it with painful anxiety, and I feel bound to present what I conceive to be the true interests of this country. We are a peculiar people, I admit. We own nearly one-half of our population. We hold them by physical force, and the law of necessity. I make this frank and candid avowal. And I will here take the occasion to say, that the connexion which exists between the slave laborers and capitalists of the South is one of the deepest interest to the Northern and Middle sections of this Union. We are interested in the *bona fide* profits of daily labor, for we own not only the proceeds of labor, but labor itself; and that Government which interferes as little as possible, by any artificial arrangements, with the management or proceeds of labor, is the Government for us, because it leaves us in undisputed and undivided control over all profits of labor.

We are, then, in fact, capitalists standing in the place of laborers, and are, to all intents and purposes, laborers. There is little or no separation with us of capitalists and laborers. They are, in fact, one and the same. The laborers of the non-slaveholding States are interested also in the *bona fide* (not spurious or doubtful) profits of daily labor. The struggle of their capitalists (I speak of pecuniary interest, and it is nature) is to divide those profits with them. Hence they resort to all the artificial modes known to Government, by which they are brought to act with system and energy as one man, through corporations of all sorts, and the most important of which is the banking system. You pretend to give universal equality and equal power to all; and, if this were practically carried into effect, after society has gone through an era long enough to be pressed down into its natural classifications, the inevitable result would be in a conflict that labor would make capital tributary, until it would, in the operation, change hands. To prevent this, where you profess to make all equal in political power, you are compelled to resort to those artificial combinations created by the Government, to give you that control which will enable you to sustain yourselves, and make your capital profitable, by the management of labor which your political professions forbid you to own. Now, sir, when gentlemen preach up, as they have done for the last three years, insurrection to the slaves of our community, I warn them that their own institutions are not so pure as they might at first suppose; and that I will preach up insurrection to the laborers of the North, when the tendency of things is such as to swindle them out of their power, by the fraud, duplicity, and cunning of modern times.

As far as mere pecuniary interest is involved, the relation of capital and labor is the same as that which exists there, in Great Britain, and every where else; that is, just to allow labor as much as is necessary for subsistence, and to take the balance to divide among themselves, by all the inventions which the fraud of Government can create. This will be finally the interest of our Northern capitalists. They have no standing armies to perpetuate this state of things, as in other countries; and the consequence is, that though they cannot keep the laborers in physical subjection, they are compelled to resort to banking corporations and chartered institutions. While they preach to us universal equality and universal emancipation, they themselves are destined, if unreformed, to hold in tribute not only the labor of their own section, but also of this confederacy.

The two systems of subjugation which now divide the world seem to be a resort either to fraud or force, by which one-half of mankind may rule the other half.

Mr. Jefferson proclaimed, thirty years ago, that the democracy of the North were our natural allies, and there was profound philosophy in that declaration. When we contend for the undivided profits and proceeds of our labor, do you not see that we stand precisely in the same situation as the laborer of the North? We are, to all intents and purposes, in the place of laborers. We are the only class of capitalists, as far as pecuniary interest is concerned, which, as a class, are identified with the laborers of the country, while, at the same time, we shall ever form a barrier against breaking up the laws and foundations of society. I know this is a proposition which will strike some men with astonishment, and I know, too, that I utter words which burn. But I know, sir, it is the truth; and, when these gentlemen expect to preach up insurrection and rebellion to the slaves of our country, I will preach back to them the same doctrine, by proclaiming universal equality, universal privileges, a universal right to Northern laborers to be redeemed from the fraud, duplicity, and cunning by which they are destined to be made tributary to those who wield capital, connected with political power. The whole banking system there is a political substitute for the standing armies of Europe, without which the capitalists of the North would be compelled to submit to a loss of power.

Sir, these are my sentiments, and I believe that, as far as our people are concerned, we are not compelled to resort to those artificial institutions of society by which non-slaveholding regions seek to delude and deceive their victims. No, sir, we avow to the world that we own our black population, and will maintain that ownership, if needs be, to the last extremity.

Mr. Chairman, in maintaining these peculiar sentiments, and in proclaiming the peculiar identity of interest existing between the capitalists of the slaveholding region and the democracy of the North, I am aware that I come under denunciation, and am liable to the charge, from certain quarters, of being a "locofoco." For maintaining my own rights and interests, and the rights and interests of those I represent, I may be called a "locofoco;" but this name shall never terrify or deter me, when the question arises, from maintaining the interests of those with whom I ex-

pect to live and hope to die. And, sir, when gentlemen tell me these things, I tell them I proclaim the doctrines of Jefferson, that the democracy of the North are the natural allies of the South; and this arises from peculiar interests, which I, for one, am not disposed to sacrifice on this floor. "Locofoco!" Gentlemen seem to raise up that name as a ghost to create terror and alarm. The progress and tendency of things to be carried away by prejudices and party feelings are monstrous. Why, sir, it was but the other night, that, while holding a portrait of John Milton in my hand, a very estimable friend of mine looked at it, sneeringly, and denounced him as a "locofoco!" John Milton a locofoco! And pray, sir, who was he but a man, the grandeur of whose soul, and the splendor of whose genius, breathed not only inspiration into poetry, but threw a halo of glory over those burning pages which he devoted to English liberty? Sir, it is nature for those small birds that hop from branch to branch in the shrubs of the forest to gaze with envy and hatred upon the noble eagle as he soars aloft in the sunbeams of heaven, whose brow defies even the concentrated fury of the elements, and whose eye scans in scorn the earth beneath him. If John Milton was a "locofoco," then I, too, glory in catching, if I can, one live coal from off that altar which he hallowed and consecrated to the everlasting rights of man.

Sir, if I maintain the universal freedom of the white race, and the inalienable rights of man, shall I be deterred from my position by the contemptible name of "locofoco?" The scribbling writers of the day may call me what they please; their denunciations have no terrors. I scorn and despise them.

Perhaps, Mr. Chairman, in the sentiments I am about to utter, I may be considered as behind the age, and they will be regarded as very singular, if not unpalatable, by gentlemen raised from their infancy in large cities, or under the controlling influence of newspaper essays. But my excuse for entertaining them is, that the people among whom I was educated and trained up are also peculiar in their habits and their institutions, and partake more of the impress of antiquity than of modern improvements. And I confess to you, sir, that I feel for them a lingering affection and attachment, because they were the customs and the habits of those ancestors who have given to us all that we inherit in virtue and freedom. I do not believe much in the great blessings of your modern forms of society, and the great "improvements of the age." I do not believe the intellectual and moral endowments of man have been advanced or elevated of recent years. Sir, I admire the people who have gone before us, and bequeathed and transmitted examples worthy of our admiration. It is true we have more wealth, more enterprise, more speculation, and more of the gaudy show and pomp, and temptations of commerce and luxury; but, as far as the heart is concerned, as far as intellectual and moral qualities are concerned, I do not believe man has advanced for the last ten years. No, sir. It may be from my peculiar situation that I entertain these sentiments. You have drawn together the world; you have made your splendid works of improvement, by which contented and remoter parts of society have been drawn under the temptations and vicissitudes of speculation; you have your credit and banking system, by which all christendom has been concentrated into one consolidated living mass, and we have been brought by that system to bow in subjection before the banks and bankers of London and Wall street; and we look with more interest and admiration upon the movements of Shylocks, gathered together in the exchanges of commercial cities, than we do to those noble pages of history which transmit to us the glory of arms or oratory.

Our people are consumed with avarice, deep, absorbing, unfeeling, mean avarice. Yes, sir, selfishness, hypocrisy, fraud, and cunning, seem to me to be the great characteristics of modern times, instead of that lofty heroism, that devoted valor, that burning patriotism, which characterized former and better days. True, sir, we develop more physical resources; but is there more sentiment, more virtue, more honesty? What is it that constitutes a great people? Is it power—is it wealth—is it numbers? No, sir. It is virtue—valor—devoted patriotism—arms—eloquence, and letters. These are qualities that have covered others with immortality, and kindle in the heart of man all that is noble and spirit-stirring.

All society seems now to receive its hue and cast from those who hold the moneyed power of the world. Even our interior villages, painted as they are, and dressed up in all their show, receive in submission their fashions from the dandies of Broadway, and kneel in reverence before the molten images that idolaters raise up for worship in Wall street and London. The tendency of all these things is to constitute society into one living mass; and I war against it because, if it succeed, my peculiar section, and the peculiar institutions existing in it, will be overwhelmed.

In reference, Mr. Chairman, to the details of the bill under consideration, I will only say that upon that point I have my own peculiar notions. But the bill asserts a great principle for which I contend—the principle which I believe to be identified with the liberties of this country. I will go for it, and hold the administration responsible for its details. I do not choose to propose any amendment in those details, for if it be bunglingly or injudiciously arranged I will not be held responsible. I go for it, sir, because it asserts those principles which belong to the constitution of my country; but I leave the details to the administration to execute, and I shall hold them responsible for it. I go for that great leading feature which separates this Government from all connexion whatever with State banks, or any great money institution here. I am for it, because I have seen the fatal consequences upon the Government and banks themselves.

Sir, we have had these institutions, as I said before, entering directly and indirectly into the political canvass of the day, dispensing power, and controlling, as I believe, to a great extent, the elective franchise; and we have seen the results, and have heard the shouts of triumph raised around the funeral pile here upon which the constitution was placed, and a fiendish joy seemed to light the countenances of hundreds, even while the smoke thereof rose as a sweet incense to that popular idol which we were all called upon to kneel down and worship before, as the only true and living image of democracy. And am I now to put this Government in the same position again? Let gentlemen beware how they unite the political with the banking power again. Have we not seen enough to give us lessons of wisdom in the dreadful consequences that have resulted from warring upon the institutions of the country? And, sir, in this conflict, who have been the greatest sufferers? The industry of the country—men who have vested their all in the enterprise of the day, and who have been left to the mercy of contending foes. It is to separate these, and to avoid this result in future, that I am for this bill; for who can look at the future, and not see how some bold and designing demagogue may desire to rise into power, and contend for political influence, by calling up the basest passions and prejudices against any institution which you may deem to be stable and fixed? He may wage a war of extermination, and may ride over the laws of his country. I desire no such conflict, in which the honesty, the industry, and the enterprise of all will be left to the mercy of factions contending for power over an institution in which the destinies of this country, through its currency, are to be placed. And if such a contest should come, I could not with any heart sustain an institution which I believe to be against the constitution and the liberties of the country.

Mr. Chairman, my friend (and I use the term in no idle manner) from Virginia [Mr. Wise] the other day warned me that on this measure I should be "left in the lurch." Sir, on a question of this kind, affecting the liberties of my country, I never stop to inquire whether I shall be "left in the lurch" or not. I never stop to inquire who may be with me, or who may be against me, on a question of that character. All I ask myself is, is it a constitutional proposition, and if it be right and correct to maintain it? I never stop to inquire who is with me or who is against me. The mere triumphs of party I disregard. I throw aside party considerations where a great question is concerned, in which the liberties and destinies of the people and the Government are involved. On such a question, sir, I subscribe to no party creed. Let me also say to those gentlemen who suppose that the tide of popularity upon which they are now floating is forever to set in one direction, that they will find the future full of bitterness and disappointment.

Let them not labor under the fatal delusion that the letter writers and newspapers of the day are to create that popularity which is to endure through time. Let them rather look to that deep-settled, abiding opinion, which is to come back to us from the enlightened and reflecting freemen of this country—come back to us upon the settled conviction of what is true, of what is constitutional, of what is for the good of the Government and the people.

Let us all look to that deep and fixed public opinion, formed upon enlightened conviction and sound discretion. Allow me now to say, in the noble language of Lord Mansfield, that those who have foregone that pleasing adviser, and given up their minds to be the slave of every popular impulse, I sincerely pity. I pity them still more if their vanity leads them to mistake the shouts of a mob for the trumpet of fame. Experience might inform them that many who have received the huzzas of a crowd one day have been visited with its execrations the next. And many who, by the popularity of the times, have been held up as spotless patriots, have nevertheless appeared upon the historian's page, where truth has triumphed over delusion, the assassins of liberty.

When Mr. Pickens had concluded,

Mr. GARLAND, of Virginia, said he would offer an amendment to the bill under debate, when its friends had put it into the shape in which they wished it to pass.

Mr. CAMBRELENG said that he did not mean to offer any amendments to the bill.

Mr. GARLAND then moved to amend by striking out all the bill after the enacting clause, and inserting another bill, (heretofore indicated by him,) which he sent to the Chair.

The amendment being read, Mr. Garland said he did not intend to address the committee at the present time on his proposition, but would do so, unless some other gentleman wished to precede him.

Mr. PHILLIPS had not risen to debate this bill. He would suggest that the committee take up the merchants' bonds bill, laying that now before them aside for the present.

Mr. CAMBRELENG assented to this arrangement, and moved to take up Senate bill No. 3, being that alluded to by Mr. Phillips.

This proposition was sustained by the committee, by a vote of 88 to 54.

## DUTIES ON MERCHANTS' BONDS.

Mr. CAMBRELENG moved to amend the bill by striking out the second section thereof, which was as follows:

"Sec. 2. *And be it further enacted*, That the additional credit of nine months, granted by the first section of this act, upon outstanding duty bonds, shall be upon the same terms and conditions granted upon all bonds for duties which may be given during the period of one year from and after the first day of October, in the year one thousand eight hundred and thirty-seven."

The committee, having adopted this amendment, rose and reported the bill, thus amended, to the House; and the question arising as to the concurrence of the House with the Committee of the Whole in the proposed amendment,

Mr. TITUS addressed the House in opposition to the same, and had proceeded but a little way, when

The House took a recess till 4 o'clock.

### Evening Session.

The House met after recess. Very few members being in their seats, there was a call of the House; which, having proceeded for some time, was suspended.

The question still being on the following amendment reported by the Committee of the Whole to the bill from the Senate, further to defer the payment of duty bonds, viz:

"Sec. 2. *And be it further enacted*, That a credit of three and six months shall be allowed on the duty on all merchandise which shall have been or may be imported on or before the first day of November next, upon which the duties are payable in cash, and that the bonds received for such duties shall be payable in equal instalments, bearing interest at the rate of six per cent. per annum, and shall be in the form and upon the conditions prescribed by existing laws and by this act."

Mr. TITUS said he had hoped that some of the honorable members of this House, whose character and talents would have given weight to their opinions, would have thought proper to address the House upon the bill before it. He was aware that views similar to his own were entertained by very many upon this floor, but the disposition generally manifested, seemed to render hopeless any opposition to the amendment offered by the honorable chairman of the Committee of Ways and Means. Viewing it, however, as he did, and in the absence of any discussion, he felt it to be his duty to give, very briefly, his objections to the consideration of the House.

The first section of the bill grants an extension in the time of payment on all revenue bonds of nine months. To that he had no objection. The condition of the times unquestionably requires it, on the ground that it will render the payment ultimately more certain, and it may, moreover, tend in some degree to relieve those immediately connected with the importing interest. Still, it appeared to him that the only just and tenable ground upon which an extension could be granted, was the additional safety attained by that extension.

But neither the second section of the bill nor the amendment offered, can be entertained upon the principle of increased security, or of relief to any portion of the community, except the merchants. There is no indebtedness to the Government that the amendment proposes to secure; on the contrary, it releases in these days of non-payment, from the custody of the Government, the merchandise held in security for cash duties, and proposes the substitution of a lengthened credit upon bonds, subject of course to the contingencies of the times.

He was opposed to this portion of the bill, as well in regard to its practical effect, as to its violating a settled principle of existing laws. He took it for granted that the laws in relation to revenue were proper and just; they had been a subject of exciting interest and profound discussion during a long period, and were finally settled in the spirit of compromise amid the convulsions of the nation. Were they to be lightly disturbed? Were they to be approached without great and apparent causes? However unimportant in that point of view the present proposition might appear to the House, it acted forcibly upon his mind. It was well known to this House and to the nation, that at the last session of Congress the Committee of Ways and

Means, with its present chairman at its head, introduced a bill to reduce the duties on imports. It bore in that character too unfavorable an aspect to meet support, and was abandoned.

The subject is now approached with more caution, and we are only presented with the first step by which the ladder is to be mounted; another is about being introduced, which, if accepted, will scatter to the winds whatever of protection, if protection it can be called, that the producing classes now receive.

The proposition, then, being to that effect, it is desirable that the Committee of Ways and Means should approach the subject directly; that they should toe the mark, and introduce a bill entitled an act to repeal the duties on imports. Its object would then be understood, and the honorable members of this House would act advisedly.

The practical operation of this bill will be to increase, and throw into market, the already excessive importations of goods, paying, by existing laws, cash duties. The means obtained by the bounty of Government will furnish forth new importations; and none can act with such deleterious effect upon the labor and interests of the producing classes as those of this character; and an acquiescence in the demand of the commercial interest will fall with peculiar hardship upon that extensive class of the people. They suffer not only in common with all other classes of the community, but, by the provisions of this bill, they, in effect, are required to furnish forth the means to enable the importers, by further unnecessary importations, still more to injure and depress them.

Gentlemen are aware that merchandise paying cash duties, as embraced in this bill, consists of wool, woollen goods, and goods of which wool is a component part. We have been told in this hall that our manufactories are generally suspended in their business; that thousands of our citizens connected with them are out of employment, and are in a condition of want and suffering; and it is well known by those conversant in such matters that the price of goods of this description is depressed beyond all former precedent. The quantity on hand of this kind of goods, foreign and domestic, is immense; and the amount of wool in the warehouses, and remaining yet in the hands of the producers, scattered over the northern half of the Union, cannot be less in value than twenty millions of dollars.

Does not this state of things exhibit embarrassment and distress to an extent that does not require legislative enactments to increase it? Shall the command—he believed the term was not inappropriate—of the commercial interest add to the general calamity, by screening themselves from the effects of their own imprudence, and throwing it with appalling force upon the great mass of the producing classes, whom that imprudence has already so severely injured? It is true that those classes are not asking for relief; they disdain to prefer the mendicant's prayer; but, in the language of the honorable gentleman from Ohio, they pull off their coats, roll up their sleeves, and go to work.

He had said that the distresses of the people were principally caused by the imprudence of the commercial interest. It was generally conceded that they had proceeded mainly from over-trading; but, to his mind, a proper distinction had not been taken as regards the kind or character of over-trading. So far as the individual concerned is affected, no distinction exists; but it must be borne in mind that, however severe the revulsions in business may at any time be among a great people, a vast majority of individuals are not materially affected by it—a vast majority do not incur liabilities that create embarrassment. Hence, when the balance of trade is not against us with foreign nations, our immense domestic operations are not impeded; and, although in their excesses individuals will suffer, capital is not diverted from its accustomed channels; it merely changes hands within a circle over which it is not required to pass. A brief view of our own condition will establish that position. Our domestic operations, including current business and general indebtedness, reach to an amount of which it is difficult even to form an opinion. We have no data to direct us but what is derived from our own knowledge of indebtedness to banks, but he thought he was more likely to be below than above the mark in placing it at two thousand millions per annum.

This immense business had at all times been transacted without difficulty, when balances abroad had not pressed too heavily upon us. No revulsions under such circumstances had taken place, and all the efforts to that end that were made by politicians and others, in 1834, were abortive. No efforts could have been more animated, nor means more powerful applied, to create confusion and produce disaster; but the energy and resources of the people, not being crippled by foreign demands, the payment of which required the basis of our paper currency, bore up triumphantly and successfully against the storm. In illustration of this view of the subject, he would adduce a remark of an English statesman in comparing the relative condition of England and the United States in the present crisis. He said that the former, with a national debt of eight hundred millions of pounds sterling, and an annual tax of fifty millions sterling upon the people, was prosperous and unembarrassed, and its industry and trade not materially affected; whilst, on the contrary, the Government of the United States, with a surplus of forty millions of dollars, and the people comparatively no taxes to pay, yet the Government and the people were alike bankrupt. Without literally adopting these positions, they nevertheless went clearly to elucidate to his mind the effects of the commercial action of the two countries. England has no balances against her, and hence the comparatively partial evil she experiences; whilst the balance against us required, in its liquidation, the coin of the country—the basis of our paper currency. The step taken was inevitable. The basis of our currency would have been swept from the country but for the proper and justifiable course of those who held it in possession. Had England received her dues, she would, of course, not have felt the blow; but had we promptly paid our debts we should have been ruined.

In establishing the position that the present state of things has been produced principally by over-trading, the condition of England has been assimilated to ours, and her embarrassments ascribed to the same causes. In his judgment, however, there was a material, a radical difference: our over-trading consisted in buying too much, in buying more than we can pay for, of foreign countries. The over-trading of England, on the contrary, consists in selling more than she can obtain pay for, and the losers only feel the effect, without its pervading all branches of business. Our over-trading abroad, as before remarked, in creating balances against us, affects, in a greater or less degree, all classes of community by its operation on the currency. He hazarded little in saying that excessive importations had been the forerunner of all the severe revulsions we had felt for the last twenty years. That of 1819 must be familiar to most of the members of this House, and he thought no individual could doubt its cause. It operated with extreme severity; and, however great may be the embarrassment and suffering of the commercial interest at the present time, the general distress at that period was incomparably greater than it now is. Our numerous manufacturing establishments, with scarcely a single exception, were overwhelmed in irretrievable ruin. Thousands of farms changed proprietors, and those who but yesterday thought themselves secure in a certain, though perhaps humble independence, were on the morrow tenants of their former freeholds. And it may not be unworthy of remark that they asked not, received not, any of the bounties of Government.

He had no doubt of the existence of the difficulties complained of by the commercial interest. Public fame, as well as the documents before us on that subject, establish that fact; and he should hope, for the honor of humanity, that that distress must be deep indeed, that could bring before us, begging alms, that class of our citizens who, in their own estimation, and, as it would appear, in the estimation of this House, were first in importance as they were in wealth.

He trusted the provisions of the first section of this bill would afford them great relief; at all events, it was their proportion of the bounties of Government. He considered the second section, as well as the amendment offered, went to increase, by the aid of the Government, an evil which had, to a great extent, been checked by its own excesses. Importations, embraced in the amendment, being principally from the west of Europe, had in general been ordered since the commencement of the present embarrassments. The importers were consequently aware of their inability, if that inability exists, to comply with the requirements of the revenue laws. If, then, they have knowingly and purposely plunged in beyond their depth, they should be left, as the great mass of their fellow citizens are, to get out of their difficulties, without the special bounties of the Government. He would say no more except to express the hope, though apparently a vain one, that those who had contributed to the establishment of the present revenue laws, would feel and see the propriety of rendering them permanent.

Mr. EVERETT inquired of Mr. CAMBRELENG whether the amendment was intended to cover goods now in the custom-house, as well as those which should be bonded between now and the 1st of November?

Mr. CAMBRELENG replied in the affirmative.

Mr. E. then said there was one view in which the bill would operate rather favorably to the manufacturers. The merchants would be reduced to the alternative of either selling their goods at auction, or reshipping them; and no doubt many would prefer to reship, which would operate favorably to our own manufacturers. He was in favor of the amendment as being, in this view, preferable to the original bill.

Mr. CAMBRELENG made a verbal modification of the amendment, to remove all doubt as to its applying to goods now in store: instead of "shall be" imported, to insert "shall have been, or may be;" which was agreed to.

Mr. MENEFEE, after a few remarks, not heard by the reporter, moved to amend the committee's amendment by adding the following proviso:

"*Provided, further*, That all others in anywise indebted to the United States, except for public moneys received, shall be entitled to the benefits of this act on the terms and conditions hereinbefore prescribed."

The amendment was not agreed to.

Mr. ADAMS moved the reference of the bill to the Committee on Manufactures. This motion he made, although himself personally rather favorable to the bill, from a sense of duty as chairman of that committee which was charged with the guardianship of the manufacturing interest.

The motion was negatived.

Mr. DUNN, of Indiana, moved that the following be added as a new section to the bill:

"*And be it further enacted*, That all persons indebted on such extended bonds may pay the same, or any part thereof."

Mr. D. supported the amendment by a speech of considerable length, in which he insisted on the justice and good policy of such a measure.

After some explanations between him and Mr. CAMBRELENG, the amendment was rejected.

The question then recurring on the engrossment of the bill, and on ordering it to a third reading, it was carried without a count: whereupon the bill was read a third time as amended, and passed.

## CLAIMS UPON DEPOSITE BANKS.

The House then went into Committee of the Whole on the state of the Union, (Mr. F. O. J. SMITH, of Maine, in the chair,) and took up the bill from the Senate to adjust the remaining claims against the late deposite banks.

The bill having been read—

Mr. RICE GARLAND, of Louisiana, moved to amend it by striking out all the bill after the enacting clause and inserting a substitute, the object of which is to extend the proposed indulgence to the banks from three, six, and nine months to nine, twelve, and eighteen months.

After a brief explanation of the points in which his amendment differed from the Senate's bill, he proposed to fill the blank by inserting the word "five," so as to read "five per cent."

Mr. JOHNSON, of Louisiana, supported the amendment, and went into a statement of the present condition of the banks of Louisiana, whence he argued the propriety and necessity of granting them further time; but, in consideration of the losses they had sustained, he contended that they ought to be relieved from all payment of interest.

Mr. LYON, of Alabama, said, as one of the late deposite banks embraced by the provisions of the bill under consideration was situated in the district he represented, he would explain the transactions between that bank and the Government, by way of showing that the indulgence proposed by the amendment of the gentleman from Louisiana [Mr. GARLAND] ought to be allowed.

The branch of the State Bank of Alabama, at Mobile, had, since it was made a depository of the public money, less than four years ago, received to the credit of the Treasury upwards of seven millions of dollars, and had, without expense or loss to the Government, faithfully disbursed and paid over this large sum, with the exception of a balance of about nine hundred thousand dollars, the amount now due from the bank. More than three millions of the sum received on deposite at Mobile had, as Mr. LYON was informed, been transferred by the bank to the Northern and Eastern cities, by order of the Secretary of the Treasury, when funds at the North were, in Mobile, worth from 1 to 2 per cent. more than par. The bank, he said, had made, as it was supposed, ample provision to transfer the balance due the Government to the North, where it was understood payment of the amount would be preferred by the Treasury Department. They had purchased exchange on New York and Liverpool to a large amount, drawn upon the authority of letters of credit supposed to be perfectly good, and drawn, too, in execution of orders for the purchase of cotton. A very large amount of these bills, upwards of three millions, as he had been informed, had been dishonored and returned to the bank, without even the payment of the nett proceeds of the cotton actually shipped. The bank had been compelled to look to the drawers and endorsers of these bills for payment, and to give time to the parties.

In addition to the delay in collecting the money, which must necessarily result from such a state of things, Mr. L. said it was but reasonable to suppose that some loss would ensue to the bank. He thought the Government should extend to the bank such indulgence as that institution found it necessary and proper, under the circumstances stated, to allow to its debtors.

He said the failure of this bank to pay punctually the balance due the Government had resulted from no want of good faith in its dealings. It might have discounted too liberally upon the public deposites, and he believed had done so; but the bank would, at all times, have been ready to have discharged the drafts of the Treasury, but for the sudden embarrassments which had fallen upon the whole country, and prevented the debtors of the bank from meeting punctually their engagements with it. He had before had occasion to state to the House that the amount

which had accumulated to the credit of the Government in Mobile had not been deposited in specie. The amount was principally in bank bills, and had accrued from the sale of lands for which the Government had received what he considered a liberal price—more, perhaps, in many instances, than the same land, in its unimproved state, would now sell for.

Mr. LYON said he would call to the attention of the House a fact which, in his judgment, would afford an excuse to the bank at Mobile, and, he supposed, to other deposite banks also, for discounting somewhat liberally upon the public deposites.

The late Secretary of the Treasury, in selecting the deposite banks, had advised them to afford increased facilities to commerce. He read the following extract from a circular issued by the Department to the banks:

"The deposites of the public money will enable you to afford increased facilities to commerce, and to extend your accommodation to individuals; and, as the duties which are payable to the Government arise from the business and enterprise of the merchants engaged in foreign trade, it is but reasonable that they should be preferred in the additional accommodation which the public deposites will enable your institution to give, whenever it can be done without injustice to the claims of other classes of the community."

The Bank of Mobile had (said Mr. LYON) afforded facilities to commerce, and had extended accommodations to persons engaged in foreign trade. The directors could not, under the circumstances, have justified a refusal to discount upon the public deposites to persons in need of bank accommodations and able to secure the repayment of the money. The public deposites had, shortly before this time, been withdrawn from the Bank of the United States, and many persons engaged in business, who had before looked to the branches of that institution for accommodations, had to go elsewhere for such facilities. This was no doubt the cause of the advice given by the Secretary; and, situated as the country was at the time, no one can be surprised that the advice was pursued, even to a liberal extent, by the banks. He referred to these facts for no other reason than to show that the late deposite bank at Mobile had not acted in bad faith in failing to pay over promptly the balance due from it. All the facts and circumstances, taken together, ought, in his opinion, (said Mr. L.,) to excuse the payment of interest on the balance remaining due; but, if required, interest on the amount would be paid. He thought the indulgence proposed for the payment of the balance due could not be considered unreasonable.

Mr. LYON said he felt less concern about the banks themselves than he did about those who were indebted to them. If the banks were pressed, and early payment required, the injury would fall, not upon the banks, but upon the people. If the Government should resort to coercive measures against the banks, they would, in turn, fall upon those who owed them, and, in many cases, sacrifices of property and ruin to individuals would be the consequence. He hoped the claims would be divided into easy instalments. The banks would thereby be enabled to pay them punctually, and, at the same time, afford a corresponding indulgence to their debtors. He had no objection to the security required. The Government had already the State for security for the balance due from the bank at Mobile.

Mr. L. concluded by moving to amend the amendment by striking out the clause in reference to interest.

Mr. LOOMIS, of New York, took the opposite side, inveighing against the injustice of setting the banks free from interest on their debt to the Government, while the Government itself, which their non-payment had reduced to straits, was borrowing money at six per cent., (for the Treasury note bill allowed the Secretary to pay as high as that.) The object of the bill was not to relieve the banks themselves, which, as such, were entitled to little indulgence, but to relieve the people through them.

Mr. LOOMIS and Mr. MARTIN each presented amendments to the original bill.

Mr. POPE made some remarks in reference to the course of trade in the West, and the season of the year in which it would be the easiest for the banks to pay; and suggested a modification which should bring their term of payment in July.

Mr. ROBERTSON, now adverting to the noise and confusion which prevailed in the House, and which had prevented him and those in his neighborhood from hearing the amendments, or the remarks by which they had been advocated, moved that the committee rise.

The motion prevailed—Ayes 74, noes 67. So the committee rose and reported progress.

Mr. REED, of Massachusetts, moved an adjournment.

Mr. CAMBRELENG demanded the yeas and nays on that motion; they were ordered, and taken, and stood as follows: Yeas 98, nays 70. So the House adjourned.

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WEDNESDAY, OCTOBER 11.

## FLORIDA WAR.

The House proceeded to the unfinished business of the morning hour, which was the consideration of the following resolution, submitted by Mr. WISE on the 19th of September:

"*Resolved*, That a select committee be appointed by ballot to inquire into the cause of the Florida war, and into the causes of the delays and failures, and the expenditures which have attended the prosecution of that war, and into the manner of its conduct, and the facts of its history generally; that the said committee have power to send for persons and papers, and that it have power to sit in the recess, and that it make report to the next session of Congress."

Mr. GLASCOCK had moved to amend the foregoing resolution, by striking all out after the word "resolved," and insert the following:

"That a select committee be appointed to inquire into the cause of the Florida war, and the causes of the extraordinary delays and failures, and the expenditures which have attended the prosecution of the same, and all the facts connected with its history generally; and that said committee have power to send for persons and papers."

The question immediately pending was the motion of Mr. HOWARD to strike out the words "that a select committee be appointed," and insert "that the Committee on Military Affairs be instructed."

Mr. McKAY, who was entitled to the floor, addressed the House at some length in opposition to the adoption of the resolution. He opposed the raising of this select committee, because the same subject was now under investigation in various ways. It had been referred to the President of the United States, who had caused an inquiry to be instituted, and had made a report in part, and he understood would probably report in full at the next session of Congress. Besides this, the chairman of the Committee on Indian Affairs [Mr. BELL] had moved to have this subject referred to that committee, and after a lengthy, and no doubt arduous investigation, the papers had been reported back to the House without coming to any conclusion thereon. He presumed, however, that, at the commencement of the regular session, the chairman of that committee would move to have the subject again referred to that committee, and proceed with the investigation. He could not, therefore, see the necessity of raising this select committee, because it was before the President of the United States, who had appointed commissioners to investigate the matter, and the gentleman from Massachusetts [Mr. ADAMS] had

admitted that they had performed their duty faithfully, so far as they went, and laid before the House information which, to use his own expression, had made the blood tingle in his veins. They will doubtless lay the whole proceedings before the House at the next session of Congress. In relation to the causes of delays and failures of the campaigns, it will be recollected that an inquiry was instituted by the President at Frederick, at which all the officers engaged in the first campaign (Scott, Gaines, and Clinch) were fully examined, and the court came to the conclusion that the failures and delays of the campaigns were in consequence of the insalubrity of the climate, the impregnability of the swamps, and the absence of all knowledge of the topography of the country by the commanding generals, and the difficulty in transporting supplies for the army from one point to another. Here, then, at this tribunal, all the causes of the failures of the campaigns conducted by Generals Gaines and Scott were examined into; and it certainly could not be designed by the House to institute an inquiry in relation to the conduct of the present commander in Florida, (General Jesup,) at a time when he was just preparing and organizing his forces for another campaign. It would certainly be improper for the House to interfere with this campaign before there was an opportunity of doing any thing with it. It would be interfering with the legitimate duties of the Executive to send an investigating committee, with power to send for persons and papers, into Florida; and, by so doing, the whole of the benefits to be derived from the approaching campaign might be set aside. Mr. McK. next referred to the remarks of the gentleman from Tennessee, [Mr. Bell,] who had stated that the probable causes of failures of the campaigns in Florida had arisen from the deficiency in the number of officers connected with the army in Florida. He admitted that there might be some justice in this remark, but said the subject had already attracted the attention of the President of the United States, and referred to an order issued as early as October last, directing all officers of the army on detached service to join their regiments and companies, in which order the President had said that this state of things must no longer exist. If any notice was to be taken of this matter, however, by this House, it was the legitimate business of the Committee on Military Affairs to take charge of it, and he hoped they would take the matter under consideration. In relation to the subject of expenditures, he admitted that they had been very large, amounting, he believed, to about seven millions: but he could see no necessity of appointing a select committee to take charge of this subject, when we have committees appointed under the rules whose special business it was to take charge of these subjects. He alluded to the Committees on the Expenditures of the Executive Departments, all of which committees he believed were composed of majorities opposed to the administration. The Committee on the Expenditures of the War Department should take this subject into consideration, and report upon it. Mr. McK. concluded by moving to postpone the further consideration of the resolution until the first Monday in December next.

Mr. WILLIAMS, of North Carolina, opposed the motion. If there was to be any investigation at all, it was as necessary and as practicable now as it could be ever. He hoped the committee would be at once appointed, and pursue the inquiries during the recess, so as to report, in whole, or in part, at the next session. He was opposed to the reference of investigations of alleged extraordinary abuses to standing committees, and replied to the remarks of Mr. Howard, of Maryland, who had made the pending motion to refer the subject under consideration to the Committee on Military Affairs.

Mr. ADAMS. The question is an entire new question. It is not now a question as to what committee it shall be referred to, but whether it shall now have the go-by altogether. The whole of the argument of the gentleman went to the point that it is unnecessary for this House to trouble itself at all about the matter, and would be just as strong an argument against the investigation in December as now. Mr. A. alluded again to the investigation made under the direction of Congress by the late Executive, and said that the horrible disclosures of that report convinced him still more strongly than ever of the necessity of the proposed inquiry. He replied to the sugge tions of Mr. McKay, with regard to the propositions of various committees, as the proper referees of the subject before the House. Among the rest, the Committee on the Expenditures of the War Department had been recommended by that gentleman. Mr. A. reminded the House that the committees on expenditures were sinecures, without pay, and without duty also. A chairman of one of them [Mr. Hawes] had told the House that he had never called the committee together, and did not even know his colleagues! Mr. A. had intended to offer a resolution to rescind the rule requiring that those committees should be appointed.

Mr. A. replied, further, to the argument of Mr. McKay, that the constitution of the Committee on Military Affairs was the same in previous administrations as now. That was no good reason why it should still continue to be so, Mr. A. contended.

In allusion to there being on this committee eight members from the South, and only one from the Northern section of the country, Mr. A. said that the reason must be that the people of the North had no interest in the subjects referrible to it. As to the interest of all the New England States, as well as of those of New York, New Jersey, Delaware, and Maryland, in the benefit that would result to them from the enormous expenditures of public money in the prosecution of the Florida campaigns, Mr. A. admitted it was very little indeed. But they had a very deep interest in the amount of those expenditures, at all events. Were the army disbanded to morrow, it would be money in their pockets; and he looked upon this fact as another exemplification of that profound philosophical theory of his friend from South Carolina, [Mr. Thompson,] who had said that the money of this Government flowed naturally towards the North. Since he had made these remarks, that gentleman had published his speech, and he had now turned the globe half round. The stream now flowed to the East, and not the North. Well, sir, be it then "the East!"

Mr. CAMBRELENG rose and interrupted Mr. Adams here; remarking that the gentleman seemed to be concluding to no point; and, calling for the orders of the day,

Mr. ADAMS said he was ready to yield the floor, and did so.

## BILL REGULATING FEES ON BONDS.

The District Attorneys' fee bill on bonds had three readings, as it came from the Senate, and was passed.

## SUB-TREASURY BILL.

On motion of Mr. CAMBRELENG, the House resolved itself into a Committee of the Whole, (Mr. Smith, of Maine, being in the chair.)

The bill as to the settlement of the deposite bank accounts being the first bill announced as before the committee,

Mr. PICKENS said that he considered himself bound, by the deep interest he felt in the sub-Treasury bill, to move that it be taken up at that time. And on that motion he demanded a count by tellers, which being sustained, (after some conversation as to the regularity of the proceeding,) the motion prevailed: Yeas 105, nays 35.

Mr. James Garland's amendment to the bill being read, by request of a member,

Mr. HOFFMAN rose and said, he would not offer an apology to the House for addressing it upon a subject so fraught with the highest good or the deepest evil to his own

constituents, as that now before it. He had been aware when he first took his seat in that body, that he would have to contend against great power and patronage. There had been a time in his political life when he thought the arm of this Government needed to be strong to regulate some of the consequences of the rapid increase, in extent and resources, of the country. The usurpations of the Executive, which he had witnessed for the last few years, had taught him a different lesson. He now found the Government too strong for the people; and that some of the memorable predictions of the gentleman from South Carolina [Mr. PICKENS] and his friends, in regard to the influence of Executive dictation and usurpation, were in a fair way to be realized. He had come to his seat prepared to combat that usurpation, and to contend for the lost rights of the States; and he thought he should find the bold, manly, and chivalrous arm of the Southron bared to aid him in that contest. What had been his surprise to find that very arm on which he had relied for such aid, raised in the van of the attack he had to resist! That gentleman [Mr. PICKENS] had said that he had renounced no opinions he had entertained before, and yet he is lending his aid in the advancement of a scheme which is to unite in one hand the purse and the sword of this Government, and to make, by his adhesion and support, the bill before the committee too strong for the opposition of those with whom he had been used to act in concert.

Commenting on the argument of Mr. PICKENS as to the character and influence of a national bank, Mr. H. demanded of that gentleman what would be the influence of an Executive, in any action against the rights of the States, who could wield so formidable a weapon against those rights, as all the revenues of this Government? And upon this subject he enlarged extensively.

As to what had fallen from that gentleman in his remarks of yesterday, in relation to the North and South, as relatively placed, in interest and in policy, with regard to each other, Mr. H. was very eloquent and forcible. That gentleman [Mr. PICKENS] had threatened a servile war as the consequence of a struggle between those interests, and had promised to preach insurrection to the laborers of the North, as an offset to similar alleged appeals to the South. That gentleman (said Mr. H.) is mistaken if he thinks that there is any parity of reasoning as to the laborers of the North, or the slaves of the South. They were not, as was so boldly argued, under the domination or control of the capitalists. They were freemen, conscious of their rights and privileges. By the laboring classes of the North the banner of the Revolution had been unfurled, and the fields of Lexington and Bunker Hill been won. By those classes there, even in the cities so much vilified and denounced, were the men who sit in that hall sent thither; and they were alive to all the rights of freemen, which they sent their representatives there to defend and advocate. Mr. H. regretted that this ball of discord had been set rolling there; that the Texas question, and the slavery question, had been started on that floor to frighten the House "from its propriety." He was not unfriendly to the South. Far from it. Many of his early and most friendly associates were connected with that section. He should be ever found by the side of the people of that section, in resisting any invasion of their rights. But still he had a paramount duty to perform—to vindicate from attack, and to shield from reproach, the people of his own part of the country.

Mr. HOFFMAN paid a deserved compliment to the bold and frank manner in which Mr. PICKENS had come forward to the aid of the administration in the support of this bill. That gentleman had not crept into the ranks of his former enemies. He had, like Tullius Aufidius, in Roman history, boldly told his new allies of his former battles against them; he had, almost in bravado, indeed, spread before them the records of his consistency as their uncompromising opponent. They had taken him into their employ, and, being in the ranks of the enemy, he (Mr. H.) must defend his countrymen, though it be Coriolanus who heads the Volscians against Rome!

The gentleman (continued Mr. H.) is proud of the name of locofoco. Sir, that is a matter of taste.

[Mr. PICKENS explained. He had said, in allusion to a remark made on that floor some days since by an honorable member, that he was willing to be such a locofoco as John Milton was, if he were, indeed, one. He had not intended to be understood as declaring himself a locofoco, under the ordinary acceptation of that term.]

Mr. HOFFMAN said that he certainly did not mean to misrepresent the gentleman from South Carolina. He hardly understood what the term in question signified. But he is not surprised to hear the gentleman declare that he is not one of the followers of him who had once sworn that his "mouth should be the Parliament of England," and that "his horse should graze in Cheapside."* But he had eulogized Milton as his exemplar. For that name, he, too, (Mr. H.,) had great reverence. He remembered well the noble defence of John Milton of the subject; and yet this very man was choleric, hasty, and often rash in his opinions. There was (said Mr. H.) a striking coincidence, which he could not but allude to, in the history of Milton, as applicable to our own times. The same intrepid patriot who, in his zeal for liberty, had aided in bringing his monarch to the block, afterwards threw himself into the arms of the Protector, and supported the throne which was reared on the downfall of Charles. Here Mr. H. drew a parallel between the succession of the present to the late Executive, and that of the Protector to the King, and between the conduct of the gentleman from South Carolina and that of the great statesman he had alluded to, under the parallel change of circumstances.

Mr. H. was opposed to the sub-Treasury bill, because it violated the constitution of the country—if not its plain and palpable literal language, its spirit, which is its life-blood, and which alone recommends it to the people of the nation. That spirit is the principle that the people shall govern themselves. The mode of choosing public officers, the appointment of those officers, duties, &c., are but the trappings of the constitution. But this principle, which is its spirit, enters into the labors of the artisan, and the researches of the scholar. It should be the atmosphere by which we should be sustained and strengthened, and from which we should receive buoyancy and vigor to perform the duties of good citizens and patriots.

The connexion between the Government and the people of this Union, Mr. H. looked upon as a great partnership. There should be a common credit or discredit, a common honor or dishonor, a common interest in all things between them. The distress, if there be any, of the Government should be reflected upon the people. The arm of power should not be wielded over the governed, to be looked up to as paramount. The people should not, while struggling amidst discontent, embarrassment, and perplexity, be insulted by the spectacle of their Government walking free, unfettered, unembarrassed, and in prosperity.

Mr. H. remarked that it had been said that this was no new proposition; that England and France had furnished examples of similar schemes; and not long since (though perhaps not parliamentary to allude particularly to it on that floor) the great Mormon of this golden bible (Mr. BENTON, of the Senate) had instanced Rome also as furnishing a similar example. In reply to these allusions, Mr. H. adverted to the difference between the institutions of England and France and those of our own country, and asked, why not model our whole Government upon those examples? Why not establish the "divine right of kings"

* Jack Cade. See 2d part Henry VI, act iv.

principle throughout; create a standing army, authorize a system of passports, and all the rest? And Rome, too; Rome had her quæstors, or public treasurers! Yes, (said Mr. H.,) she had; and they "grew by what they fed on." They followed the Roman eagles to conquest, and, in every situation, were ever the links between the worn-down people and the overbearing Government.

Mr. H. alluded to the provisions of the bill before the committee. The public money is to be given by the Executive to the different disbursing officers. Defalcation would ensue defalcation, as the consequence of this provision. Besides the direct pilfering and frauds of the officers who will have the charge of the public revenues, there would be the brawling sycophant, and the unscrupulous partisan, whose very bread would depend upon his subserviency to Executive dictation. He did not allude more to one administration than to another. This would ever be the case, were this bill to become a law. In case of an election depending in any State, or district, or town, there would be a call on the partisan officeholder's exertions. On one side would be his honesty, and on the other his office; and he would console himself, while making the sacrifice of the former to the latter, that the bread of his wife and children depended upon it. And who will call the defaulter in such a case to account? The Executive? This would never be; and, as to the Congress? That, too, was powerless. The proceedings of the last Congress, under similar circumstances to those described, afforded a sufficient proof that this was so.

Here Mr. H. alluded to the novel and monstrous doctrine which had been broached under the late administration, that every officer of the Government was accountable to the Executive alone; and he only to the impeaching power of Congress; and insisted that no people were ever strong enough to resist the union of the purse and sword of Government.

If the bill passes, he contended the money of the people would not be safe; it would be less safe than in banks, where the stockholders' interests require the selection of careful directors and officers, and where there were many hands, and not a single hand, to guard those interests. And to this point Mr. H. read from the Congressional Debates of 1835 an opinion of one who he wished could take a part in that debate, and sustain the views he had once expressed, and which he would now quote—views which he was confident the high regard for his opinions, entertained by the members of that House, would lead them to regard with great respect; he alluded to Mr. Speaker Polk, who, in the course of a debate in 1835, had said that "corporations were safer than any individual could be, as the depositary of public moneys," because corporations were bound together by the strongest ties of interest, with an immense aggregate of wealth, which furnished a safe security, &c.

But, (said Mr. H.,) who can tell but that, if that gentleman could descend from the chair, and address the House on this bill now, he would not also be found to have undergone some change of sentiment since the time alluded to? This would not be more surprising than that one of that gentleman's friends, also on that floor, should have changed his views on the subject within the same term of time. In a debate upon a resolution offered in 1835 to that body by Mr. Gamble, as to the best mode of keeping the public moneys, Mr. Cambreleng was reported in the Congressional Debates to have uttered the opinion that the sub-Treasury scheme would find no friends there, and that it was a proposition too odious and monstrous to be entertained.

[Mr. Cambreleng read, in answer to this allusion, an extract from his own prepared report of the speech adverted to, to the effect that he had expressed the hope that the time would come when banks, as fiscal agents of the Government, could be dispensed with altogether.]

Mr. H. remarked that the gentleman had *voted* against the scheme at the time, and was reported, in the book of debates, before he had had time to prepare carefully his own report of the speech he had made, to have said that such a proposition could find no friends in that body. But still (said Mr. H.) I know that opinions often change, like the gourd of Jonah, in a single night.

Mr. H. here alluded to Mr. Foster's eulogy on the safety-fund system, which he admitted to be appropriate and deserved. And he eloquently detailed the consequences of that system to the prosperity of the State—the springing up of her western cities almost at the very sound of the woodman's axe—the stretching out of long lines of railroads, those avenues of communication and social intercourse with the different parts of the country. The North and East had made the West, and the West had poured back her gratitude in increasing contributions to the wealth and prosperity of the State:—and this was the working of the safety-fund system. It had worked well: and now, he would ask, what was the reverse in the country? The President now says that over-speculation is the cause of our present troubles. The philosopher whose theory it was that the earth rested on a tortoise, was puzzled to find a place for the tortoise. And what was the true cause of this distress and embarrassment? Mr. H. said that it was the war on the United States Bank by the late Executive. The first germ of all that Executive power which now oppresses us was the withdrawal of the deposites. That was the fountain whence all these bitter waters flowed. The hopes and wishes of the people were involved in that institution. The boat was proceeding on its way, in a swift but equable course, when there had suddenly ensued a crash, which was the prelude to a bubbling cry of agony and despair from the passengers and crew. The balance-wheel had been removed by the ignorance or the wantonness of the engineer.

Mr. H. had never been the friend or the enemy of the United States Bank, nor of the local banks. He had not worshipped Pompey, in all his pride of power and place, when armies had sprung up at the stamp of his foot; nor had he ever bowed the knee to his great rival. Yet would he not withhold from the latter the justice which he should extend towards him; as

> "———— in his mantle muffling up his face,
> Even at the base of Pompey's statue,
> Which all the while ran blood, great Cæsar fell!
> And now lies there,
> With none so poor to do him reverence!"

After some discussion of the conduct pursued by the State deposite banks, which he contended had, in the majority of instances, been honorable and upright, he insisted that it was inconsistent for the friends of the administration to decry and destroy them. They had eaten of the fruit, and should not now cut down the tree. The United States Bank had been ruined to aggrandize the State banks: not in accordance, as had been asserted, with the people's will; the people would never have destroyed that institution; but as a sacrifice to the popularity of the late Executive. It was withered by the resplendent "glory" from the brow of the victor of New Orleans. It was destroyed, that the "weeds," as Mr. Pickens had called the State banks, might grow and flourish.

Mr. H. contended that there had been a time when those "weeds" were shallow rooted, and might have been easily eradicated. He then went on to show that Mr. Van Buren originated and rose into power by the aid of the safety-fund system. That it still continued its influence, politically, and procured a Van Buren majority there of two-thirds: and that Mr. Van Buren was now kicking away the ladder by which he had mounted, not even saying to those who had been wondering at his ascent with upturned eyes, "Stand from under!" This part of the speech was very minute in its details, and excited a deep interest.

Mr. H. said the bill before the committee had been christened "a divorce bill." It was no such thing. It was a bill authorizing "a fatal marriage"—fatal to the constitution, and to the liberties and happiness of the people. It was not a divorce bill. The "divorce" had already taken place, without cause or right, by the act of one of the parties, and it was the nuptial benediction or another alliance that the House were now called on to pronounce.

History furnishes a parallel. He who was

"—— but yesterday a King,
And armed with Kings to strive,"

Napoleon Bonaparte, loved Josephine. The conqueror of Italy had laid his laurels at her feet, and whispered in her ear his aspirations of love as well as of ambition. By her were his troubles assuaged, and she was ever his good genius, pointing him the path to glory and renown, and with her, as his companion and adviser, he found himself upon the throne of Charlemange. But no sooner did the diadem glitter upon his brow, than she, who had been ever true to him, was cast off for the furtherance of schemes of policy. He was thus, but he would be safely and ever thus, and he procured from a weak Senate a divorce from her, and wedded Louise of Austria, who mounted his throne only to see his crown snatched from his brow! Sir, there may be a moral even in the lesson read to our own Government from the rock of St. Helena.

Mr. H. closed his remarks by warning gentlemen of the consequences of passing a bill so fraught with danger as that under consideration. He said, "the bow is bent, make from the shaft!" unless by a bold effort you can wrest the bow from the hands of the archer! Rise from the mire of party! Sustain the administration in every thing in which it is just and right, but resist it when its measures are hostile to the best and most enduring interests of the people. Do not aid in that unholy alliance of the purse with the sword in the hand of power: and

"———— never more
Let the great interests of the State depend
Upon the thousand chances that may sway
A piece of human frailty!"

After Mr. Hoffman concluded—

Mr. HUNTER, of Virginia, addressed the chair as follows:

Mr. Speaker: I arise under the painful sense that I am asking almost too much of this committee, when I throw myself upon its indulgence whilst I express my views in relation to the subject before us. But our present position is highly responsible; the consequences of our action in the existing crisis may be lasting to the country, and I wish to be heard in vindication of the principles which will govern my course. We stand, sir, in the midst of a great commercial revolution; we have just witnessed an explosion in the credit system, through which the stream of capital circulates and dispenses its mighty agency to the country. Old channels have been abandoned, new ones are being formed; and now, sir, when every institution of the land is trembling under the shock, and our most important interests are sympathizing with the distress in the circulating system of the body politic, the eyes of the people are turned in anxious solicitude upon our course.

They have suffered with exemplary patience under calamities which would have goaded almost any other people to tumult and bloodshed; and they have even forborne to speak forth their grievances, as if fearful that the clamor might disturb the presence of mind of those whose peculiar task it was to work the ship of state off the lee shore upon which it was driving—"*Nec tumultus, nec quies;*" but there is that state of deep and silent suspense which more forcibly than by words seems to say that, upon this occasion, "our country expects every man to do his duty." I feel, sir, a most painful sense of the responsibility of my position. On the one hand, I know that he cannot be justified on the plea of ignorance who lightly tampers with the important interests now concerned in our action; and, on the other, if personal or party considerations were to deter me from doing whatever may be done for the relief of the country, I feel that my name would deserve to be pursued through all posterity with execrations. I might, perhaps, escape responsibility by declaring that, as I had nothing to do in producing the present distress, so I was bound to do nothing towards restoring things to a sounder condition. Sir, I scorn the excuse. I think I see something which may be done for the good of the country, and I am willing to share the responsibility with those who will attempt it. In taking my course I form no new connexions, I make no alliances; I act as I was sent here to act. I legislate not for party, but for the good of our common country. I tread all personal and party considerations into the dust, when they present themselves in competition with the most important interests of the people.

Mr. Chairman, if I can free this Government from a corrupting connexion, if I can aid in so moulding its action as to remove the causes by which it has disturbed the natural level of our circulating capital, and advance one more step towards that perfect freedom which American trade ought to enjoy, I shall be content, be my own fate what it may; but if I should unfortunately work harm where I mean good, I shall only regret that others will suffer under the consequences of my mistake. But, sir, I turn from these considerations to the great question before us. How can we exercise the powers given us by the constitution, and remould the fiscal action of the Government, so as to relieve the country of its sufferings, and prevent their recurrence again? It has been well said that debt is the evil under which we are suffering. The real balance of trade has been against us; the foreign creditor demanded the adjustment of this balance in specie; and the currency system of the country, having been inflated beyond its just dimensions, was unable to meet the demand for a conversion so sudden. What, then, can be done, sir, to relieve the people from this pressure? There are but two modes of relief from debt; the one consists in its payment, and the other palliates the evil by obtaining time, so as to divide between several years the burden which is too heavy for one. It is obvious that, as a Government, we have neither the right nor the means of paying the debt. Governments may spend money, but they never make it; and their attempts at political alchemy have always resulted, like the vain search after the philosopher's stone, in more expense than profit.

Has the Government the means of extending the credit upon the debt due abroad? If this could be done, we should undoubtedly find immediate relief. Instances have occurred in the history of English commerce, and in some of our own States, in which Government has effected this purpose by interposing its own credit between the domestic debtor and the foreign creditor. There are times when a people may be unable, without great suffering, to meet a sudden call for the balance of trade which exists against them. But it can scarcely happen that they should not be ultimately able to meet the call, if time were given. On these occasions, the foreign creditor presses, because he cannot well know the actual responsibility of individuals. In such situations, the English Government has exchanged its own credit, which was undoubted, for that of the domestic creditor, who was thus enabled to make his remittances abroad in undoubted securities. We have no power here to enter into any such trade; and although the exercise of this power might occasionally be useful, yet it is too liable to abuse to have been wisely entrusted to us. The direct fiscal action of Government might have been rendered conducive to this end, and eminently beneficial. If we had issued certificates of loan upon time for the money necessary for Government, I believe, sir, that the merchant, instead of exporting his specie, would have given

it to us in exchange for this paper, which would have served a better purpose abroad. In this way we should have done much for the relief of the country; we should have avoided all danger of a depreciated paper currency issued by Government, and we should have been clearly within the limits of our constitutional power. But the occasion has passed away; we have passed a bill for Treasury notes; and when I connect the discretion, as to interest, confided to the Secretary, under the bill, with his known opinions on that subject, I am bound to conclude that they will be issued and designed as currency.

But, Mr. Chairman, that subject is not now before us, and I will not detain the committee with its further consideration.

I shall pause but a moment to consider the expedient of a United States bank, which has been suggested by some as affording the means of producing immediate relief. If this were so, the suggestion would be useless to those who, like myself, believe that it is demonstrable, and that it has often been demonstrated, that we have no power under the constitution to charter such a bank. But, for one, I do not believe that the expected effect would flow from such an institution. It would enter the field as a rival of the State institutions, and could only sustain the competition by either debasing its currency to the level of the State institutions, or by elevating their circulation to the sounder level which it might establish for itself. The first operation would prolong the present evils; and the other, if attempted by any but the most gradual means, would break the State banks, and aggravate the distress of the community. But I pass from the consideration of the means of immediate relief, real or imaginary, which are not within our reach, to those which may be. And here I beg leave to pause upon our fiscal policy, and its incidental effects upon currency and trade. If it has introduced causes which disturb the natural level of circulating capital, and furnished a false excitement to currency and credit, that policy ought to be changed. Public convenience may require that the change should be gradual, but important interests demand that it shall be ultimately made. After much consideration, I have come to the conclusion that the present and past commercial distresses have been mainly produced by the American banking system; a system, sir, which, by the law of its creation, hurries to its downfall as the necessary result of its own action; and this catastrophe is only hastened by the excitement of the connexion between it and the Government.

It has been said, Mr. Chairman, by McCulloch, one of the ablest politial economists of the present day, that our system of banking is the worst in the world. I will not stop now to institute that comparison, or to examine his conclusion; but I shall demonstrate that its natural tendencies are to produce a state of things like the present, if I succeed in showing, first, that it causes a false distribution of capital, and, secondly, that it creates a diseased action in the credit and currency systems, by forming an improper connexion between them.

According to our banking policy, these institutions have the exclusive right of making a paper currency; and their paper only is received in payment of public dues. To these exclusive privileges they unite the power of drawing interest from an amount greatly exceeding their capitals. Take, in connexion with this, the usury laws, which exist, I believe, in all of the States of the Union, and you have the result that capital, loaned through bank agency, will draw an interest greatly exceeding that which any other capitalist can derive from money lent. The loanable capital of the country will of course seek that investment, and fill those channels of circulation before it reaches any other; the consequences of the artificial direction thus given to capital, is its false distribution between the different sections of that country, and the different classes of society in that country, in which banks have those exclusive privileges. The loanable capital will seek the places in which these institutions exist, until it has exhausted the demand for it there, before it reaches those portions of the same country in which banks do not exist. It will do so, because, through bank agency, it can derive more than the legal interest within the sphere of its operations, whilst beyond that sphere its profits are confined to that interest. The system establishes, in effect, a bounty upon capital lent to the mercantile, and those classes whose labor brings a speedy return, at the expense of the agriculturists, whose returns are slow. Loans for thirty or sixty days are obviously more profitable than those for longer periods. It is the difference between simple and compound interest. The merchant, therefore, whose outlay is speedily returned to him, can thus afford to deal in these short credits, whilst the agriculturist, whose returns are generally annual, finds himself forced to pay compound, for what the merchant returns only simple interest. The effect of this is so much felt, although its causes are perhaps not generally understood, that in my State it is received almost as an adage, that no farmer can afford to go into bank. There is yet another mode, sir, in which the system produces a false distribution of capital. The available profits of these institutions, within the limits presented to them, are so great that they may become credit insurance offices. The directors, under these extraordinary advantages, may run the risk of insuring a favorite's credit when it is doubtful, when he may have no real resources, and thus the fair trader will be injured by the reckless and often ruinous competition of these men who have nothing in fact to lose. This, sir, will always happen when a bank has supplied the demands of good customers without reaching the limits of circulation prescribed to them. The temptation to run this risk is so strong that they too often yield to it.

Mr. Chairman, it is no answer to these objections, to say that every section of the country may be supplied with its due proportion of banking capital. The country is supplied with banks through its Legislature, and no Government has the means of ascertaining the relative wants of different sections in this respect. But, sir, if the Government could ascertain the relative proportions in which the different sections should be supplied to make the distribution just, it would be unable to make that distribu tion. A supply of all the capital wanted for loan in any country, through the medium of banks like ours, would expand the credit system so rapidly, from causes which I shall endeavor to show, as to produce revulsions which would present a scene of wide-spread ruin and disaster. A fact which is so impressed upon the public mind, that every Legislature, not perfectly wild in its movements, seems to have endeavored to restrain the system within the supposed wants of the country, rather than make the attempt to supply the value demanded. If I have been successful so far, Mr. Chairman, I have shown that this system is injurious in giving a false direction to capital; which, if left to itself, would seek those investments which had most natural advantages, and which, therefore, would have paid the highest profits.

I come now, then, to the false and artificial laws of expansion and contraction, which are introduced into our currency and credit, (as I maintain,) by the banking system as it exists here. Instead of leaving currency and credit to the regulation of the great laws ordained by nature for that purpose, instead of leaving them to that self-regulating power which would adapt them to the changing condition of society, and harmonize them with each other, our Governments vainly practise their political alchemy, to the injury, and sometimes to the destruction of both. At their very creation, we arm these corporations with incompatible functions. We unite in them the money-making and the money-lending powers; and what, sir, are the inevitable consequences? Why they make as much

money as possible, that they may have the more to lend. They have a direct interest in issuing as much as possible, and they always do it. When their capitals are loaned out, they cannot add a dollar to the credit of the country, without making a like addition to the currency. The latter, under this system, is swelled to an undue proportion, and when once it is beyond its level, its overflow is inevitable. Debase it in the least degree, and its downward tendency is ever increasing. The moment you increase, in this way, the nominal or money price of commodities, the catastrophe is unavoidable. The merchant who deals annually in $10,000 of bank credit, when wheat was $1 per bushel, will require $20,000 of the like credit to deal in the same quantity of grain. The banks which supplied the demand for credit, when wheat was at one dollar, are unable to meet that demand, when it is at double its former price. The cry is, therefore, "more banks," and more paper money is the consequence, until the proportion between the currency and the material wealth of that country is greater than in other parts of the world. If the real balance of trade then turns for a moment against us, a great commercial catastrophe occurs. And even if this should not be the case, the trade in our currency becomes more profitable than that in our commodities. This currency promises to be convertible into specie, which is of uniform value everywhere. The constitution of this country requires that it should be so convertible, and when the paper currency is purchased with commodities, the holder seeks a redemption of the pledge to pay in specie.

Mr. Chairman, I refer to that period in the English history, when its paper currency was so inflated as to furnish to a foreign enemy the means of a direct attack upon its credit system. It is known that Claviere, whilst the Brissotine faction prevailed in France, bought up bills with the direct purpose of presenting them for specie, and breaking the Bank of England; a scheme which threatened so much of mischief as to have furnished the secret cause (as many believe) of the suspension of specie payments by that bank in 1793; a measure which is said to have been advised by the ministry itself. I am greatly mistaken, sir, if this very trade in our currency has not been one of the leading causes of our present distress. But I will not enter into an inquiry which would lead through so wide a field of speculation. I have thus endeavored to show, sir, how this artificial connexion between credit and currency causes them to perform that perpetual cycle of contraction and expansion from which our country has suffered so much and so often. It ought not to surprise us then if these vortices in our credit system, like those of the wild theorist of antiquity, should produce strange combinations and unexpected results. The epicurean philosopher accounted for the existence of the world, by supposing it to result from the fortuitous concourse of atoms; and we, not at all wiser, have attempted to build up a fabric of credit upon a revolving foundation.

I have said, Mr. Chairman, that the process which I have just described is the result of an unnatural connexion between the credit and currency systems. It may be asked, in what respect is this connexion unnatural? Why, sir, in this: we make the currency expand with the credit of the country, when in truth, although credit must expand when currency is increased, yet it may increase when currency remains the same. For instance, if we were suddenly to double the amount of money in the world, the same real value in credit must be doubled also in its nominal amount. But if the currency remained the same, new resources discovered in one country, making the employment of capital more profitable there, might readily draw a greater proportion of currency, as a measure of value, than circulated there before the discovery. Instead, then, of making the currency and credit systems the means of mutual expansion, they ought to be left separate. When each is true in the discharge of its own functions, they vary according to different laws and upon different principles. Let us look for a moment to the functions of each separately, for the purpose of ascertaining the true laws of their variation. And here I first inquire, what is currency? It is that nominal and floating standard, by which mankind have consented to measure the value of their commodities, and to regulate their exchanges. To discharge these functions, it must first be durable, so as not to be consumed in the use; secondly, it must be portable, so as to be transferred conveniently from place to place, as the uses of exchange may require; and, thirdly, it must be uniform as a measure—by which I mean that the proportion between the currency and the material wealth of all countries should be the same; and, to be a perfect measure of value, this proportion should not only be invariable in all places, but in all time, from age to age. The last desideratum, as to uniformity from time to time, has never been supplied in practice or even suggested in theory; but the first requisites are to be found but in one medium—I mean the precious metals. These, sir, are highly durable, are portable, and if not obstructed in their flow by artificial regulations, which disturb their level, their proportion to material wealth will be the same in every country, because the supply would be in proportion to the demand, and as there would be most demand for them where there was most material wealth, so the supply would also be greatest in those places. It is also a manifest requisite in currency, that it should exist in sufficient quantities to be available to all who have a use for it, and doubts have been expressed as to the existence of enough of the precious metals for the uses of money. But these I have always thought unfounded. It is obvious that, from time to time, even if the quantity remained the same, it would appreciate in value so gradually as not to affect the mass of contracts which are for short dates, by its change as a measure of value. And if the relation of debtor and creditor were not seriously affected by the change, it would be as convenient to use a half ounce of silver in the dollar as one ounce. This change would of itself present the means of doubling the currency. But if we put this out of the question, we have the facts that the quantity of the precious metals now bestowed on ornamental uses in Europe and America, is supposed to exceed the gold and silver coinage of those countries by more than a fourth, and that the mines are constantly pouring in new supplies, which are capable of still further increase. Take these facts into consideration, and there is every reason to believe that the supply of these metals would be adequate to our purposes, if Governments would abandon their contrivances for furnishing a paper money currency. The general tendency of the metallic currency, through a series of ages, has been to increase somewhat faster than the material wealth of the world, so that experience would here seem to support me, independently of theory. This very circumstance has sometimes operated to affect seriously those contracts which embrace a long period of time in their execution, as is the case in some of the English leases. But this change has been so gradual, that the great mass of contracts, which were for a shorter time, have been adjusted by this measure of value without serious inconvenience. If any improvement upon this metallic currency has been suggested in modern times, it is perhaps to be found in some such expedient as that of the Bank of Amsterdam; a system which, upon an actual deposite of specie, issues a like amount of paper, for the actual return of which specie, upon the demand of the bearer of the paper, the faith of the State is pledged, or some security, equally undoubted, is given. The advantage of this circulation is, that it varies precisely with gold and silver as a standard of value; that it saves the loss by wear of these metals, and renders them in effect as portable as paper.

If the State Governments will have a paper currency, this is undoubtedly the safest mode in which they can put it forth. But a paper currency put forth by Government on any other principle, will always have the unfortunate effect of continually changing the measure of value by which contracts are to be adjusted. Different Governments adopt different rules of issue. The proportion of paper currency to material wealth is different in each. A man contracts, expecting to deliver by one standard, and owing to its change is forced to deliver by another. He receives, perhaps, in ounces, and is forced to return in pounds. This injurious change in the relations between debtor and creditor leads to disasters and sufferings so often witnessed that I need not depict them. Other Governments have means of palliating the evils of this sudden change in the measure of value, not within our reach. When a demand is made for a sudden adjustment in specie, of contracts formed under the expectation that they are to be redeemed in paper, these Governments can, and always do, interfere to prevent this change in the relations between debtor and creditor. They make the paper a legal tender between man and man. Indeed, the English Government seems to be well aware of the necessity of making paper currency a tender, after it is once issued; it sees so clearly that contracts will always be made under the expectation of redeeming them in this paper, and that it would be impossible to force their adjustment in specie, that it has made the paper of the Bank of England a legal tender by a standing law of the land. Here we can resort to no such expedient. Nothing but gold and silver can be made a legal tender; a point of difference which no American statesman should lose sight of. What folly is it, then, to introduce by legislation a standard of measure in the formation of contracts, which can always be altered by the creditor at his pleasure, in despite of our laws! How vast and complex is the fraud which we thus practise upon our citizens, when we indirectly force them to contract by one standard, whilst the constitution requires them to pay by another! If a law were passed requiring every man who had contracted to deliver a bushel of corn to deliver two, the injustice would not be greater, nor the mischief more, than our paper currency has often produced. So much, Mr. Chairman, for the operation of our banking system upon the currency; let us trace now its effects upon credit.

What is credit? and what is the real law which regulates its expansion and contraction? Credit, sir, is the contrivance by which we translate future resources to our present use and employment; or, in other words, it affords the means by which we obtain the present use of capital by a pledge of future resources—of resources which exist either in mind or matter—of resources to be found, sir, either in our skill and industry, or in capacities yet to be developed in our material possessions. The fabric of credit to endure, sir, must rest on the solid rock of responsibility, and not upon the fleeting sands of mere confidence: or, sir, if I may change the figure, credit is the venous system through which the stream of capital flows, to visit every part of the body politic with its life-dispensing power. Disturb for a moment the free and natural course of its circulation, and you derange every function of social life. Leave it to follow its natural courses, and it will quicken anew the spirit of enterprise, impart more vigor to the arm of industry, and dispense health and freshness to the frame and spirit which it supports and vivifies.

I have said, sir, that it was the pledge of future resources for the present use of existing capital. To make the operation beneficial, this pledge must be upon real resources; so that the borrower may not only return the principal and interest of the capital employed, but also retain a profit for himself. If his employment returns him an amount just equal to, or a less amount than, the principal and interest of this capital, there is a clear loss to society of his labor, at least, and perhaps of more. It is manifest, then, that this operation, if beneficial to society, must be founded upon real resources, and new capacities for producing wealth. There is a certain amount of capital in the world, to which Government cannot add by any of its regulations. This is all which can be distributed; and if the credit system exists in a sound condition, this capital will be distributed between the different parts of the world, and amongst different individuals in society, in the relative proportion of their comparative resources. That country which can give most for the use of capital will be first supplied, according to the laws of trade; and any community which, directly or indirectly, gets possession of more capital than its relative resources entitle it to enjoy, receives it upon the terms of paying for the use of more capital than it can advantageously employ. This, sir, could never be the case if Government were not to interfere; but, unhappily for mankind, it too often happens that a Government, under the vain hope of benefiting its people, pursues a system of measures which disturbs the natural level of capital. For an instance of this, I need only refer to the currency operation of our banking system. I have shown, sir, the operation of this system has a tendency to increase the currency of the country in which it exists, far beyond the basis of the metallic, which is the currency of the world. The nominal amount of money is increased, and its real value diminished. Suppose, for instance, that two dollars represent the same amount of the necessaries of life which were formerly represented by one. The capital which is borrowed at this nominal rise in its money price, must be returned when the nominal price falls, and the real value is raised. In other words, the community which borrowed in half dollars must return in dollars. The reason of this is obvious. The credit system of any country, when it is sound, rises or falls with its relative resources. This is the true and single law of its valuation. But Government interposes and alters the measure of value. It doubles, for instance, the proportion between the paper currency and the material wealth of the country, by forcing every addition made to credit, through the banks, to produce a like addition in currency. The country, then, which has fewest resources in comparison with others, may have the largest nominal credit system, on account of the inordinate expansion of the standard by which its value is measured.

The credit system being thus expanded, let us look for a moment into the mode of redeeming the obligations thus incurred. This debt can only be discharged by a system of exchange, under which one debt is made to offset another, so as to save the necessity for currency; or else by redeeming the obligations in money. So far as the exchanges adjust the balances due on a certain day throughout the country, the operation is beneficial; and the relations between debtor and creditor are not ruinously affected, notwithstanding the inflation of the currency. But in this diseased state of affairs, the operation of the conversion of that portion of the credit system which must be redeemed by money is terrible. The obligations were contracted upon the paper standard, but they must be redeemed in specie, if the creditor chooses to demand it, and this he will do, if the paper currency exceeds its just proportions, because then it will be to his interest to exact this mode of adjusting contracts. So far, then, Mr. Chairman, I have endeavored to prove to this committee that our banking system produces, first, an unjust distribution of capital between the different sections of the same country and the different classes of the same society; and, secondly, that the connexion which it instituted between currency and credit caused them both to expand and contract, according to laws different from those which nature had prescribed for their regulation. If I have been successful in my effort, I have shown that these effects must flow

from the very laws of their creation, and that this was the original sin of them both.

I know, sir, that some advantages have also resulted from their operation, but none, in my opinion, which compensate for these evils. The advantage of adjusting the balances due under the credit system, by exchange or offset, so as to avoid a direct result to currency, is immense; and it is true that a large capital is necessary for this business. It is necessary, because the greater the variety of exchanges commanded by any one institution, the greater the facility for offsetting the one debt against another. The limit to this advantage is only to be found when the amount of capital employed in this way, by any one institution, is so great as to preclude competition. It was the opinion of Mr. Baring, however, one of the most intelligent of English merchants, when examined before a committee of the House of Commons on this subject, that the important business of exchange could be effected more readily through private dealers than by banking institutions; and there seem to exist strong reasons for his opinion. Be this as it may, however, and let us suppose, for argument's sake, that in a young country like ours we can only raise capital enough to deal in exchanges, domestic and foreign, by means of corporations, still I maintain, sir, that those corporations should be single in their end and aim. They should be confined to the business of dealing in exchanges, and all power of issue should be denied them. If the banking system of this country is ever reformed, the change must be conducted in that spirit of analysis which has effected most of the modern reforms in science. If currency be the object of the constitution, I have already intimated the model upon which I think it should be moulded. If the regulation of exchange and the diffusion of loanable capital be the object, the institution should be confined to this end alone. A currency bank should exist for currency alone, without the power to discount; and a bank of discount should be confined to that purpose without the power to issue. The true secret, I believe, sir, of regulating the machinery of corporations so that it shall work the precise end intended for it, and no other, is to create them with a single purpose, upon which they will then be sure to move. But, sir, unite in them incompatible functions, and you are apt to introduce a complexity into their operations, which will often produce results entirely unexpected at their creation, and contrary to the public good.

I believe, sir, that the history of our system of paper currency connected with credit, as we have instituted that connexion, would illustrate the truth of my views, if there were time to enter into this inquiry. I will not raise an issue of fact, however, when my purpose is satisfied by dealing with first principles. I will not enter into the history of that early struggle between the colonies of Massachusetts and Rhode Island, for the field of circulation which each was endeavoring exclusively to occupy with its paper issues; a contest which waxed so warm as to make a reference of their disputes to the Crown necessary for the preservation of peace. Neither will I occupy the committee with the history of that continental money, whose improvident issue was said by one who both felt and knew its consequences, to have caused more real suffering than all the complicated horrors of the war of the Revolution. Did time permit, I might well pause, for the purpose of tracing to the inevitable tendencies of our banking system, the wide-spread derangement of our currency and credit, from the suspension of specie payments during the war, until 1819, when the Bank of the United States itself was perhaps only saved from a like catastrophe by the suspension of a Treasury draft. Yes, sir, and for confirmation almost as strong as proof of holy writ itself, I might turn from that period to this. In a time of profound peace, when the mighty energies of the American people were tasking themselves to their utmost upon the finest theatre for exertion which any people ever enjoyed, we have seen their career suddenly stayed, and the arm of enterprise itself folded in the mournful contemplation of the ruins of the prostrate system of credit; a fabric which fell, sir, as I before observed, because it was founded, not on the solid rock of responsibility, but upon the fleeting sands of a mere confidence—a false confidence—engendered, sir, by those very institutions which were relied upon as the pillars of the edifice.

And here, Mr. Chairman, let me not be misunderstood. I do not war upon existing institutions, but with the policy which gave them birth. I would be the last man in this community to encourage a violation of these vested rights. Neither do I blame individuals, sir, for entering into employments to which the policy of their State Government invited them. I have no desire either to return suddenly from one measure of value to another, so as to disturb the relations between debtor and creditor. I go for reform, sir, not for revolution. I wish to see a change of policy, it is true; I care not how gradual it be, so the prospect of reform be certain. As one of the means of effecting this gradual reform, I propose a divorce between this Government and all banks. I propose it, sir, as a measure required by public interest, and ultimately beneficial to the banks themselves. The deposites of public money, upon which these institutions trade, and the credit given to their paper by means of its receipt in public dues, only serves to stimulate an action already false in its nature, and tends but to hasten the round of expansion and contraction which they are ever performing. In that point of view the connexion is injurious alike to the Government, the people, and the banks. Upon every occasion in which this connexion has existed with the State banks, we have seen it result in a general explosion of the credit system. I believe no one doubts but that this connexion hastened the late catastrophe, which furnished the occasion for the late call of Congress. The receipt of bank paper in payment of public dues increases its credit, and extends its circulation. The amount of paper currency necessary for making all the payments required in collecting and disbursing the public revenue, is added to the natural circulation of the banks, and has no other basis than the confidence that it will be received in payment of Government dues. As this revenue expands and contracts, so this portion of the currency increases or diminishes. Whilst the surplus revenue was collecting, this circulation increased upon that credit: it increased, too, from the use of the deposites upon which they traded; and when the surplus and annual revenues of the Government were being distributed, and diminished, a portion of this currency was drawn from the field of circulation; and, being no longer useful, its conversion was sought in specie. Here is the unhappy and fruitful cause of fluctuation in credit and currency, which must always exist under a connexion between Government and bank. There were doubtless other causes growing out of that connexion, which tended to hasten the suspension of specie payments. I throw them out of consideration, however, because they do not enter into the general question, and take only those consequences which necessarily flow from a connexion between bank and Government under any circumstances; and, having shown the injury which they work to the bank, I turn to their operations upon the fiscal concerns of the Government: when this violent rupture of the ties which bind them together takes place, the Government is forced either to take depreciated paper, or to demand specie. If they take the first alternative, they give a bounty to each State to depreciate its paper, to lower its taxes, and duties become no longer uniform. If they choose the latter alternative, they find that its operation is to raise the taxes upon the people precisely at the time when they are least able to encounter an

increase of expenditure. If, on the other hand, this connexion had never existed, the banks would have been better able to meet their engagements, because their circulation would have been more limited and more justly proportioned to the wants of trade. The operation, too, would have kept enough of specie in circulation to have met the demands of Government, and to have afforded a rallying point to the banks when any sudden emergency created an unexpected demand for specie. If I have shown, Mr. Chairman, that this connexion injures both bank and State, I need not state the obvious consequence, that whatever injures either the banks or the Government, injures the people also. But my colleague seems to suppose that this Government can find the means of regulating the operations of these banks, and of producing, through them, a sounder currency. His projet supposes a system of rewards and punishments, through the fiscal action of this Government, which is so to control the banks as to effect this salutary end. I will not revert to those views which I have just given, to show that this expectation is false in theory; nor will I pause to cite to him the opinion of Secretary Dallas, who, after a long experience, in 1816, pronounced this hope to be impracticable; much less would I cite to him as authority my own opinion upon this subject. I will take his position as true, for argument's sake; and then I would ask my honorable colleague how it is that, thinking with me that this Government cannot charter an institution for the purpose of controlling currency, still he will maintain its right to buy up the corporations of the States, and regulate their chartered functions so as to control the currency and the exchanges of this country?

But, Mr. Chairman, much as I object to the connexion between this Government and the banks, on account of the disturbing causes which I think it introduces into the action of the currency and credit systems of the country, I have another objection still more powerful. I never wish to see the banks converted into political engines again. Of all the enormous additions which have been made to Executive patronage, in late years, I regarded its connexion with the State banks as the most fearful. The army of officeholders, though you should count them as 100,000 strong, would confer not half the power upon the Executive which the possession of the State banks would give to him. Convert them into political engines to be worked by his hands; give him the control over the exchanges and currency of the country; give him the dispensation of bank favors, and if he were disposed to use them for personal advancement, he would scorn your title of king, and your gewgaw of a crown, as if the offer intimated a doubt of his absolute authority without them. If the choice of means were given to a wise king, who wished to maintain his power, he would not choose a nobility, said to be the natural support of the crown, but he would ask for some hundreds of corporations, wielding the money power of the whole country. He would ask for those whose deliberations might be secret, whose agents might be invisible, and whose march upon their purpose could only be diverted by that impulse of interest which he alone could regulate. Give him these, sir, and he would despise your standing armies and your orders of nobility as cumbrous devices, unworthy of the refinement of the spirit of modern despotism. Mr. Chairman, I have always regarded the connexion between bank and State in this country as a conjuncture most ominous to our liberties. Use the public money to buy up the State banks for the use of this Government, or of its Executive branch, and you at once convert them into political engines, you deprive the States of the control of their own institutions, and you place the people under the dominion of a league of corporate influences. Endow a moneyed corporation with the functions of Government, and you behold at once the most ruthless of all despotisms; and the history of human suffering and of East Indian oppression is not silent upon this subject. You may place the worst of men in authority, and he will have some touch of human feeling. Not so with a moneyed corporation. It deliberates in secret; it moves by the power of a majority, with no sense of personal and individual responsibility at the bar of public opinion; and it is governed by the single impulse of interest. You cannot move it to pity for the present, or to remorse for the past; for its action is mechanical, and not under the influence of feeling or of soul. I protest, then, sir, against any attempt to bind the moneyed corporations to one government, and by one common political purpose. I have given my reasons for objecting to any connexion between bank and State, and, perhaps it may be reasonably required of me to suggest some better plan for the custody of the public treasure. If the selection were left to me, sir, I should adopt the plan of special deposites. The General Government should be independent of the banks as to the medium in which its revenues are collected, and banks would be independent of the Government when they were no longer exposed to the power of its rewards through the privilege of trading upon the public deposites. If such an arrangement could be effected by giving the banks a fair compensation for keeping the public money, at the same time that they were effectually restrained from using it, I should much prefer it to the scheme proposed by the Committee of Ways and Means. The pecuniary responsibility would be greater than that of individual collectors, and its custody of the public revenue would, perhaps, be safer. But the chief recommendation would be in the means which this plan would afford the representatives of the people to ascertain the state of the public money, if at any time there was cause to suspect either the ability or the honesty of the Secretary of the Treasury. I shall not fatigue the committee, however, with the details of a scheme which I shall not propose by way of amendment, as there would be no reasonable prospect of its adoption at present. I should greatly prefer a bill carefully framed upon this basis to the one now before us; but I give to that the decided preference over the other alternatives, of a United States Bank, or the connexion between the Government and the State banks. Doubtless, there will be difficulties attendant upon any scheme for regulating the custody of the public revenue. The money power, in all its combinations, presents the most difficult problem to be solved in the science of Government. But we must choose the best plan within our reach. It is idle to expect perfection in a system of finance. I go, sir, for the great principle of divorce, without committing myself to the specific details of this bill further than by the expression of a preference for them over the connexion between bank and State. In that comparison, I have satisfied myself that it does not increase Executive patronage, as its opponents maintain; nor do I believe that its tendency will be to retard the resumption of specie payments. It, in fact, diminishes the Executive patronage by a larger amount than any other reform ever proposed under this Government. It subtracts the entire amount of bank patronage from the Executive, and, in comparison with this, the few additional officers to be created are as nothing. How is this bill, sir, to retard the resumption of specie payments by the banks? They will be afraid, it is said, of runs upon them for specie to be paid for public dues. This objection, sir, is more specious than valid. The quarterly receipts of this Government will range from six to eight millions. The greatest possible amount of the addition to be made to the legal currency, under this bill, would be six or eight millions, and, in point of fact, I am informed that a far less sum would suffice, as the public money is paid out nearly as fast as it comes in. Is it to be supposed, sir, that the eight hundred banks of this country could not meet such a requisition, if they were ready in other respects for the resumption of specie payments?

But, sir, in point of fact, the requisition for specie upon the banks, or upon the country, under this bill, cannot amount to a dollar if these Treasury drafts be issued for circulation, as I presume will be the case. They furnish more than enough of medium for the collection of our revenues. The banks, Mr. Chairman, cannot resume specie payments generally until the foreign debt is nearly or wholly liquidated. When that is done, if they will elevate the value of their currency to the par of specie, partly by curtailing their circulation gradually, and within the limit of the present discount upon their paper, and partly by a judicious command of exchanges for converting their own obligations, they may then safely resume specie payments. Whenever their paper will command its par in specie in the market, they may safely undertake to give specie for it themselves. This I believe to be the only true mode of effecting the resumption, and this operation is entirely independent of the fiscal action of the Government. Rely upon it, sir, that a speedy resumption of specie payments by any other means would be impracticable, without producing more distress than we have yet seen in the community. To take their depreciated paper in payment of the public dues, would rob them of all inducement to resume, as the Government credit would thus be worth more to them than it would be if their paper was convertible.

Mr. Chairman, I know that I have this day presented views which, if true, will disturb the dream of those who believe that an infusion of banking medium, like the fabled juice of Medea, will renovate the body politic, and restore to age the vigor and freshness of youth. I know, sir, that there are many who will view my opinions as wild and extravagant. But I am willing to leave the issue between us to the arbitration of time and future experience. I am aware, too, that you cannot touch a fibre of one of the cords imposed upon trade, by the restrictive system, without exciting a host in opposition. But, sir, in a contest upon the great principles of free trade, I am willing to enlist for the war. I feel that they must succeed, because I trust to the power of truth. Its pace may be hobbled, but its march will still be onward. Yes, sir, it will be onward and onward, until the people awake to a sense of the injustice which imposed fetters upon the free spirit of American enterprise. I hope, yet, sir, to see the day when the captive will throw its hands loose from their bonds, and proclaim in joyful exultation to the world that it is free—free to pursue the impulses of its own genius, free to take the direction of its own interest, and ready to put forth the whole of its mighty energies to the fulfilment of the proud destiny which will then await it.

Mr. MASON, of Virginia, next took the floor, and addressed the House, until the hour of recess, in opposition to the bill, as calculated to blast the hopes which had inspired the course of the late administration, that the country would enjoy the advantages of a sound currency.

### Evening Session.

Mr. MASON, of Virginia, resumed the course of his remarks, the whole of which are given below.

Mr. Mason said: Agreeing, I as most cordially do, in the several measures which have so far been presented by the Committee of Ways and Means, for the consideration of this House, it is with the utmost reluctance that I am now brought to differ with those with whom I have heretofore acted.

This difference, however, I am pleased to consider, is at least but one of mere expediency, and in itself contains nothing which should sever those who are united otherwise in the preservation and support of those great and leading principles which actuate political parties.

Differences of opinion necessarily pertain to deliberation; it is against the constitution of our nature that it should be otherwise; intelligence, reason, and sound judgment, are alike hostile to entire unanimity; nor would our representative Government be any thing more than a mere formal acquiescence in the will of some ordained superior, if the doctrine were allowed to hold, that party discipline exacts an unconsidered sanction to every measure, which brings a recommendation from the Executive chair.

Such is certainly not the spirit of our institutions; nor should it be the spirit of any party that would act safely and wisely, or even successfully, in the administration of the Government committed to their charge.

Having thus premised, I will proceed at once to state my objections to the bill under consideration.

Those who have brought it in, address its claims to our favor, as a measure simply intended to provide for the safe-keeping of the public money. It is said that the former depositories, the State banks, having proved either inadequate to the duties required, or unfaithful to the trust reposed in them in this branch of the public service, it is necessary that Government now should take care of its own interests; and that this will be most effectually done by a return to what is called the legal currency of the country, and by constituting certain fiscal officers of the Government the keepers as well as the disbursers of the public money.

The machinery is certainly very simple, and if the only end to be attained were, in truth, the safe-keeping of the public money, however I might dissent from the expectations of those who have planned its operation, I could not see in it those insuperable objections which impel me now to remonstrate against it.

The evils, sir, which we are expected to remedy by some adequate law, lie far deeper in the public mind than any alleged insecurity of the public money—evils for which no remedy is provided by this bill, but which will, in my judgment, be fastened upon the community by its passage—I mean the present degenerate condition of the currency.

What is now the currency of the country? I ask not what ought to be, but what actually now is the sole currency; the only medium having exchangeable value, by which the business of the country is carried on? It consists entirely, from one end of the confederacy to the other, of irredeemable bank paper; every payment that is made, every debt that is collected, every transaction of every kind, whether large or small, into which money enters, is carried on and effected by paper that has been issued by the State banks, and which they no longer redeem with gold or silver. These metals have passed entirely out of circulation; they form no longer any portion of the money of the community; treating money as that only, which, for the time being, serves as the symbol of exchange, of things having merchantable value.

This condition of the currency, is the true and great evil of the times; it affects the people in their business, precisely and in the same manner as it affects the Government in the conduct of its affairs; and there can be no remedy, at all adequate to relieve the Government from its embarrassments, which shall not, at the same time, and to the same extent, relieve the people from theirs.

In considering this subject as I propose to do, it is unnecessary to go at large into an examination of the causes which have operated to bring about this state of things. I do not know that I am, nor do I at all profess to be, equal to this duty. And yet, were I to attempt it, I should certainly differ very widely from those who trace these causes no farther than to a redundant issue of bank paper. That each issue has been to a great extent auxiliary to the present embarrassments, there can be doubt. But it has been auxiliary only; and I freely admit that, in my very humble judgment, a well-founded objection to our banking system lies in this very thing: that banks of discount, or-

ganized as our American banks are, yield the facilities of credit too readily and amply to the demands of trade, without a power of discrimination between such as arise from the extension or accidental vigor of healthful commerce, and such as have their origin in a wild and gambling spirit of speculation.

Commerce requires credit. From the day that men passed in their dealings beyond the first simple stages of barter, credit, in some form, entered into the affairs of trade. Its agency soon came to be understood; and the winds are not more active in circulating the common air, than credit now is, all over the world, in circulating through every land the productions of every soil.

Trade and commerce, then, becoming drunk with prosperity, have drawn too lavishly upon the credit offered them through the banks; or, if you will have it otherwise expressed, the expansible character of bank credit has offered too great temptations to commercial enterprise, and we are now suffering under the consequences of over-action, as well on the part of those who used this credit as of those who gave it.

In this reasoning, I am borne out by the message of the President: he says that "our present condition is chiefly to be attributed to over-action in all the departments of business; an over-action deriving, perhaps, its first impulses from antecedent causes, but stimulated to its destructive consequences by excessive issues of bank paper, and by other facilities for the acquisition and enlargement of credit."

I have entered into the subject thus far, only that I may invite you to a more enlarged view of the difficulties to be met than are presented when our inquiry is confined simply to a consideration of the safest custody that we can provide for that portion of the people's money which is to pass into the public coffers.

My great objections to the measures proposed in this bill are, that they are not at all commensurate with the exigencies of the times; they do not meet the real difficulty. The bill simply ordains that the Government, after a limited time, will receive nothing but gold and silver in payment of public dues, and will intrust its keeping to its own officers alone. Now, if there were a creative power in our law; if, by this simple enactment, the bank paper could be driven out of circulation, back whence it came, and the precious metals substituted in sufficient quantities to meet the wants of society, as well as the demands of the revenue, the chief ground of my opposition would be at once removed. I can well see, from the experience we have had of the evil tendencies of the banks to excessive issues, (and such, at present, are my decided impressions,) that, whenever the currency is placed in a condition to bear the tribute, the true policy of Government may be found to be to exact its dues altogether in coin, and to withhold its revenue, while resting between its collection and its disbursement, from the use of banks, as a fund to increase their discounts. My reasons for this I will give hereafter, when treating of the proper positions which the Government may ultimately assume toward the State banks.

The bill is to operate upon the currency as it now is; for we have not only no guarantee that it will be found in an improved condition at the end of twelve months, (the limited time,) but it is susceptible almost of demonstration that one necessary consequence from the proposed law will be to continue the currency in its present debased condition.

The precious metals, all will agree, are now banished from circulation. They are in the country, I grant you, and in sufficient quantities, perhaps, to answer their accustomed duty of circulating in those channels below the reach of bank paper; but they no longer pass from hand to hand as a medium of exchange. Their former exchangeable value has been converted, by the course of trade to which I have alluded, to a value exclusively marketable; and thus they have fallen back, and are entirely merged in the common and general mass of merchandise. Specie, whether in coin or in bullion, is now merchandise, and not money; and those who require it for any purpose must go into the market and buy it at market rates, as they would any kind of merchandise whatever. How long, then, is this state of things to continue? How long will this marketable value attach, which detains the coin from its most appropriate function as current money? And by what process can it be restored to circulation?

The answer to the two first inquiries is very simple. Specie will continue to be merchandise, so long as there exists any demand for it greater than that which would invite or retain it in circulation. It was driven out of circulation by the demand for exportation, after the business of the country had realized the fact that our exports were insufficient to pay for our imports. The balance must be met, and the precious metals were called out of circulation to answer this new demand. It is a necessary and fundamental law of currency, that where you have two media, of which either answers all the purposes of exchange, and one of them, besides those purposes, will answer another purpose as a subject of trade, the latter will fly at once to meet the new demand, and leave the duties of currency exclusively to its fellow.

So it was between the paper and the specie, when, by the exigencies of trade, the latter was suddenly called off to meet the new demand created by the necessity in commerce, of extinguishing the balances against our importers. There is no mystery in all this. Imports are to be paid for from those two sources alone: by the produce and labor of the importing nation, or by gold and silver; and whenever the former is found inadequate, the precious metals must make up the deficiency.

Thus stood the country when the banks suspended the payment of specie. They had an agency, and a large agency, I grant you, in bringing that necessity about; pampering, as they did, the pride of commerce. They met all its demands, honored all its drafts, as well in the rage for importation, as in those extravagant speculations to which the apparent prosperity of the age gave birth. But the banks are not alone to blame in this. It is due to the occasion, and will aid us in searching out the true remedy against a recurrence, to admit, candidly and fairly, that the Government itself saw as little the mischiefs that would follow from the extension of their credit, as the banks did themselves. It is a part of the history of the times, and should be recorded on the same page, that when the deposites were given to the State banks, they were expressly instructed to make them the basis of new incentives to commercial enterprise.

I do not speak this at all, sir, in the spirit of rebuke; far, very far from it. I adduce it only to show that the Government itself, against whom, as some have said, the banks have committed the unpardonable sin, was itself actively instigating them to that very extension, now so zealously condemned. How far the banks might have gone in extending their discounts, upon the immense deposite thus cast upon them, without this authoritative hint none can easily tell. But it is fair and reasonable to infer, that this license in advance did not pass unimproved.

Having stated thus the actual condition of the currency, and briefly traced the causes which have led to it, let us inquire next what will be the probable operation of a law that takes no account of its enfeebled state, but peremptorily demands, after a given day, that the entire revenue, amounting to some twenty millions of dollars per annum, shall be paid up in gold and silver. One necessary consequence, in my apprehension, would be, effectually to place it out of the power of the banks to resume the payment of specie within any reasonable time. How can it be otherwise? They suspended payment,

because of the new demand for coin created by the exigencies of trade. They have not yet resumed, because although that demand has entirely diminished, as shown by the rate of foreign exchange, yet there is still demand enough to warn them of the consequences of an attempted resumption, before the trade of the country is in a fit condition to bear it. Sir, the country is recovering fast from the violent and sudden convulsion into which it has been lately thrown. It cannot otherwise be, when we consider the immense resources of this vast continent, wielded, as they are, by a people whose industry and enterprise acknowledge no other limit than the very bounds of the earth. But the Government must keep its hands off; time must be allowed for the system to react, before any new or additional pressure can be borne.

If the necessities of circulation are not strong enough now to bring specie into general use, as part of the currency, because of the existing collateral demand in trade, does it not necessarily follow, that any new demand will have an additional effect in retarding that operation?

You create this new demand by the bill under consideration; pass it, and you at once increase the premium that specie already bears over the ordinary currency; you give it increased value in the market to the extent of such new demand; and to that same extent you postpone the day when it can return into use as a part of the circulating medium. Until that day comes, it is impossible for the banks to pay out specie upon their notes; they never can do so, until the demand upon them is reduced to a naked demand for circulation. If I am correct in this reasoning, the best that could be hoped for under the proposed law would be, that it should remain a dead letter upon the statute book.

I think I have shown that we could have no return to a circulation of specie under its auspices; and, if this be so, do you believe, does any man believe, that the law could be carried into effect?

What, sir, that the Government alone should be paid in silver and gold, while those who have the payments to make receive nothing but irredeemable paper! How vain and idle it is to expect any such thing. If, by any chance, or lucky accident, over-ruling those stern necessities to which all human affairs are subject, the exigency of the times should have passed by, before your policy begins, then it might, thus chance-favored, be that the scheme could be carried out. But it becomes us not to legislate upon such improbable contingencies. I want no better evidence of what the Government would be twelve months hence, under the operation of this law, than what is now daily passing before our eyes. There are, it is said, (and I presume with an approximation at least to the truth,) now in this country eighty millions of dollars in coined metal. By the existing law, (as there is no bank paper convertible into specie,) Government can now receive nothing but coin in payment of any part of its revenue. I ask, confidently, is any part of that revenue so paid? With all this abundance of the precious metals, fully three times as much as we have had at any former period, do we not all know, that none whatever is paid into the Treasury from any source of revenue. I mean none, when compared even with the lowest necessity of the public service. The mint, it is true, does furnish a small supply, barely sufficient, if at all, to meet those demands which coin alone will satisfy. But this does not come in any shape of revenue—far from it. It is purchased by Government, at market rates, and a premium paid upon every dollar that is brought in. Such is the present state of things, under the operation of a hard-money law, while the only money of the country is in irredeemable paper; and such must ever continue to be your condition, under the operation of any laws that you may pass, so long as the money which you require is banished, by whatever cause, from the channels of circulation.

I lay down, then, this position, and defy any refutation: that the Government must, as a permanent necessity, deal in that currency in which the people deal; it is the law of its creation and inseparable from its condition. It must receive what the people receive, and pay what they pay—a necessity from which Government cannot escape if it would, and ought not if it could.

I speak of this as a permanent necessity, distinguished from the necessities of immediate want. It is struggling now against this very want, and precisely as any large capitalist might equally do, by using the resources of its credit to supply the temporary absence of revenue. Have we not just passed a law, authorizing an issue of ten millions of Treasury paper, for this very purpose? I mean for the single purpose of reserving the Government from the necessity of coming down at once to the irredeemable paper of the banks. And this only to answer the present emergency; for it will certainly follow, unless that medium can be restored, in which alone the Government is allowed to deal, that we must issue at least ten millions more, before we return home from the ensuing session. Sir, I went cordially with you in this use of Government credit; and I will do so again should the emergency continue. But I tell you fairly and candidly, and I tell the people, too, that this Treasury issue is all that saves the Government now from coming down at once to bank paper. I say this, sir, because your revenue laws, exacting gold and silver, are not and cannot be enforced. If you collect any revenue, it can only be in that very paper, because there is nothing else to pay with.

Suppose, then, your law passed, and the currency remain, as under such policy it inevitably must, in the condition that it now is; what are you to do? If you could enforce the law then, I ask why do you not do so now?

Why do you not now compel your debtors to go into market and buy specie, in order to replenish the Treasury? So far from this, we have now a bill before us, and which it is admitted on all hands must pass, to save the Secretary from the necessity of so idle an attempt. With more than four millions of dollars now due in New York alone, so far from exacting payment, we are about to give further time on all bonds due and to become due between this time and the next session of Congress.

I say, then, confidently, pass what law you may, you cannot have your revenues paid in specie, so long as it remains at a premium; and that the very first effect of this law, by creating a new demand, would be to increase the premium, and thus render permanent the very exigencies to which your legislation is now actually yielding.

But take another view of the subject. Suppose the law carried out, what then would follow? The importer, besides all other charges for freight, insurance, duties, &c., is required to pay five or ten per centum for specie to pay the duties. Certainly this latter would be added to the price of the commodity; and thus the whole effect of your policy would be to tax the people to this extent, in order that Government might deal in gold, while they were left to struggle on, unaided, against all the ills of worthless paper money.

My view of the subject, then, is that, by passing this law now, you postpone to an indefinite period the resumption of specie payments by the State banks; that until they do resume, the law must be inoperative, and the Treasury supplied by loans; or, if enforced, besides creating a new and heavy tax upon all foreign merchandise, the sole effect will be to enrich the officeholders, and all who feed upon the public crib, at the expense of the rest of the community. I know, sir, that this last objection has been scouted as mere slang, as part of a mere "rabble," and unworthy of notice. But I tell you that it has never been met, and that it cannot be overthrown. I do not believe (and tha

disbelief is founded on the experience of the present day; that such a law could be carried out; but if it were, the host of Government dependants would grow rich under it. They would have money worth five or ten dollars more in the hundred than the money used by the people; and the people would be taxed to the extent of this five or ten dollars in the hundred, to furnish the former with the better currency.

Now, sir, in all this, my sympathies are with the tax payers, and not with the tax gatherers. I go for the interest of those who are to pay, and not for those who are to receive. I cannot agree to any policy which might, and I believe would, lead to these results. It is unwise, unjust, and unnecessary; and it could not, and ought not, to stand one day after those results are ascertained.

I may express myself strongly, but I do not mean to do so harshly. I see mischief and disaster without end, in any attempt to legislate now as you would have us do by this bill; and it is to save ourselves from utter defeat and shame that I beg you to pause with me, and consider the consequences of such an attempt.

Let me, before leaving this part of the subject, present another view, which, to my mind, increases the difficulties to be encountered by the proposed law. I have, so far, considered only the demand arising under the accruing revenue, as that which is to retard the resumption of specie payment. But the revenue in arrear, that of which we are to postpone the payment, will come heavily in aid to increase this demand at the very outset of the new law; to what extent we do not as yet very certainly know, but, reasoning from what we do know, the promise is sufficiently appalling. The duty bonds to be postponed, amount in New York alone to more than 7,000,000 dollars, computed to January next, and, including the other cities, to more than 10,000,000 dollars; constituting, to such extent, whatever it may be, an obstacle at the outset, over and above what is to be encountered in its ordinary course.

I have heard it said, however, that this very demand to be created under the law, will have the effect of bringing in specie to meet it; and thus it is alleged that the demand will occasion the supply. I do not deny this in the least degree. There is nothing more certain, in every branch of political economy, than that there will be a supply for the demand. But regard for one instant only what this demand is, and the fallacy of the reasoning will appear at once. It is a market demand which is to produce this supply. It is an increase only of the same demand, which has already banished coin from circulation; now it is purchased for exportation, then it will be purchased for Government, and the effect will be precisely the same in both cases—to give a marketable value to specie as merchandise, in lieu of the exchangeable value which it would otherwise have as money. None will pretend that, because Government will pay it out again, it will thereby circulate, unless they can find the term circulation fully satisfied in a constant round from the custom-house to the broker, and from the broker to the custom house.

If it be true, then, that Government cannot command the precious metals through its revenue, until they return back to circulation, the inquiry remains to be answered, how that end is to be attained? I would answer, first, it will be attained even before a very long time, if matters are allowed to remain, as far as Government is concerned, precisely where they now are.

Let us keep our hands off, and the banks will resume as speedily as reviving trade will allow: within that period I will not profess to answer; but their course of dealing since the suspension evinces the strongest purpose to do so, at the earliest practicable day. The Secretary of the Treasury tells us, in his report, that since the suspension of specie payment, "the policy pursued by most of them, has been favorable to an early discharge of their engagements to the Treasury and to a resumption of specie payments." And, again, in proof of that position, he says, speaking of the deposite banks, that "since the 1st of May, their discounts, as a whole, have been reduced about $20,388,776; their circulation $4,991,791; and their public deposites $15,607,316, while their specie has diminished less than $3,000,000." Such is the encouraging account which the Secretary himself gives us of these institutions. We have already seen the great reduction in exchange since our session began, evidencing the rapid extinguishment of the foreign debt, and the effects manifested by the approaching market for the Southern staples. Even the presentation of the bill for an issue of Treasury paper, had an effect in bringing down exchange. Putting all these things together, we may safely argue that the evil day is passing by; and all that I urge upon you is, to keep hands off, and let very well alone.

The resolution of 1816, now in full force, had the effect at that day of bringing about a general resumption of specie payment by the banks. It will do so again, if its operation be unaffected. I have shown you already the promise under it. But the bill proposes to repeal that resolution, as the first step in the policy of the new law. Then, the attitude of Government towards these institutions was one of encouragement and confidence. It offered inducements to them to resume, and invited back the confidence of the community. The wisdom of that policy was manifested by the result. Now, the very reverse is to be attempted; in lieu of confidence, we present discredit; for encouragement, menaced destruction. I need not add, that the same end cannot be obtained by such opposite means.

But again, sir, there is in this bill an entire departure from the great and leading principles of the administration, on the subject of the currency. It looks no farther than to a supply of specie for the Government and its dependants. There is no account taken of the more important object of infusing specie into circulation for the common use of the people. Then, the great effort was to enlarge the specie basis, by the suppression of small notes. The Government, as the greatest creditor of the banks, sought to effect this by the control incident to its large deposite. The banks were encouraged in every way to co-operate; and the States were appealed to for their aid in the common duty of a reform in the currency.

Many of them, where there was a bank issue under five dollars, met the appeal at once, by a direct prohibition to that extent.

But the State of Virginia went farther. She had long since realized the benefits of a specie circulation below five dollars, by a prohibition of all paper under that amount; and, on the very first occasion when the charters of her banks would be reached, so recently as during the last winter, the prohibition was extended to ten dollars, and to take effect at an early day.

These were the measures then contemplated for the improvement of the currency, and begun to be carried out by the powerful aid of State legislation. Why are they to be abandoned now? It was admitted then, and it is beyond all question true, that specie, either in gold or silver, will not circulate by the side of paper. If experience of this were wanting, it is abundant in Virginia, in reference to small notes; as soon as they were expelled by her law, silver took their place. And there is no doubt that if her policy could be carried out, by the expulsion of all paper under twenty dollars, gold would flow at once into the vacant channels. All this can yet be done, by a simple adherence to the original plan. But your policy is in utter disregard of all such intent.

The great forcing process now in contemplation, will work the very reverse of what was then so strenuously urged. It will put all our golden dreams to flight, of the

halcyon days of hard money, and the States will be compelled, from sheer necessity, to license once more the very lowest issue of bank paper. Seeing these things, as I clearly do in prospect, under the operation of the proposed law, I can have no choice but to raise my voice against it.

As to so much of the bill as constitutes the collectors of the revenue, with the mint and its branches, depositories of the public money, I have but little to say. It is certainly subject to very strong objections, not the least of which is, the very great increase of patronage to which it must give rise; and a patronage of the most dangerous influence, as being so immediately connected with the public money. Neither is this objection at all answered, when it is said that the patronage will be less than that exercised in the intercourse between the Government and the deposite banks; because, by the simple substitute of a special for a general deposite, all patronage will be at once taken away; and on the score of safety, the difference is incalculable.

Whether I regard, then, the pernicious influence which this bill must exercise upon the currency, if now enacted into law, or the inadequacy of its provisions for the safekeeping of the money, I am equally constrained to withhold my assent. In the first aspect, it has never been submitted to the country, and has had very little consideration here. The innovation is too great, the transition too violent, from all previous usage, to be thus suddenly met.

The people are too deeply interested in the consequences which may follow, to have this usage changed, without the most matured consideration. For myself, sir, I want to go home from this whole subject, *reinfecta*. It is a new proposition, presented for the first time, in an imposing form by the late message, and, before adopted, should be well and thoroughly canvassed before the country. The President himself, in proposing it, invites, and the subject is well worthy of, the fullest deliberation.

Let it be discussed, then, as it will be, and as all great public measures ought to be, by the people themselves in their primary assemblies, and through the press, before it is enacted into law.

No inconvenience can possibly arise from this postponement; first, because the time must necessarily be short, as Congress will be again in session, within six weeks from the adjournment. And, secondly, because the whole system proposed is now, under the late orders of the Treasury, in as full and complete operation, as if specially ordained by the law under consideration. The Secretary has already adopted it, in the exigency of the occasion, under the discretion given to him by the law organizing the Treasury Department. There is no occasion, then, for this great haste, and there is every reason why we should forbear.

We are told, however, by an honorable member from South Carolina, [Mr. PICKENS,] that, by our opposition to the present bill, we are strengthening the interest of that party which seeks the re-establishment of a national bank. This suggestion, sir, has come from a very remarkable quarter. I do not allude now to the member from Carolina, but to a distinguished statesman from the same State, in the other wing of the Capitol. The sub-treasuries, it is said, must be ordained at once, as the only safeguard against the restoration of a great national banking institution; and this ratiocination seems to be thrown out as a sort of bugbear, to frighten us into instant submission.

Sir, in my humble sphere at home, or in the halls of our State Legislature, my opinions on the subject of a federal bank need no new confession. I have ever been an uncompromising foe to any such institution. I believe the existence of such a bank is inconsistent with the purity, and dangerous to the safety of popular government. I have ever opposed it, in every form, on grounds of expediency; and, what is above all, to fix and confirm that opposition, I entertain no doubt whatever that it has no sanction, either in the spirit or the letter of the constitution. Strongly committed, then, to such opinions, and having uniformly acted up to them in every time of trial; in the removal of the deposites, through the panic era, and the Executive veto, I am not to be frightened from what I have taken as the path of duty, by the new-born fears even of so distinguished a proselyte.

I distrust the quarter, sir, whence the denunciation comes. I have no confidence in that counsel which springs from the zeal of recent conversion—opinions that are hastily taken up, are as speedily laid aside, and are worthy of no reliance whatever.

No, sir, in my humble judgment the danger of recurrence to a national bank is to be looked for in the very opposite quarter: in the immature conception and hurried execution of this sub-Treasury scheme. I do not mean to predict it, because I would not be understood as disparaging the judgment of those who confide more readily than I do. But suppose they should fail; suppose it should be found impracticable to carry out the new scheme; that the currency should grow worse; that bank paper should continue irredeemable; and the people become wearied out with your rigid exaction of coin from them, while nothing but paper is paid to them: I ask you, and I put it to the serious consideration of the country, what remedy would then be found? You could not fall back upon the State banks. They had just been divorced, and common decency would forbid the new espousal. Where, then, would you find refuge? Why, sir, as was done once before, in the arms of a national bank, and nowhere else.

I am not at all answered in the objections thus advanced, when I am told that my apprehensions of this failure are without foundation. You relied as confidently when the public money was transferred to the State banks, that they would not fail. Every official report and every State paper was replete with their commendation. We were told that they were equal to every emergency, in the fiscal operations of the Government, and furnished its best and safest reliance. And yet, within two short years, the whole system is denounced as an entire failure. What better assurance can you give us now than you offered then?

Why may not your new scheme fail? I believe that it must, inevitably must, if attempted now. And when it does fail, I can imagine no possible resource left, but that which our new convert so earnestly deprecates. I pray you to excuse me, then, if I do not see with his eyes.

Sir, in attempting these sub-Treasuries now, the Government, if I may so express it, is retreating to the *citadel* at once, in the great battle with a national bank. I see nothing but danger in the attempt—opinions differ amongst your best and ablest advisers, whether you can now make the position good; and if you do not, there is no escape, no choice, but in unconditional surrender.

One word more, sir, to the honorable member from South Carolina, and to those to whom this portion of his address is directed. I understand him as making an appeal to the democrats of the North, to rally around this sub-Treasury scheme, as their surest and safest protection against the oppression of Northern capitalists. He tells them that they are looked upon as the natural allies of the South, because their labor holds the same position to capital in their country that our slaves hold to their owners at the South.

How these Northern democrats may relish the doctrines of their new ally, I need venture no prediction. I doubt whether they can be brought to rally around the standard of a leader, who denies them any place, even in the common scale of humanity.

Is it upon principles such as these, that the Northern democracy is invoked to lend their aid to the measures contemplated by this bill? These are they, I presume, who are appealed to in the occasional addresses of certain newspapers, as the "*democracy of numbers*," contradistin-

guished, we find now, from any democracy of men—who hold no place in the thinking, acting part of the community, but are classed as mere dead weight, to be thrown at will into either scale of the political balance.

If there be any such party in our favored land, I thank Heaven that it is unknown in the quarter of the country from whence I come. We have there, sir, I am proud to say, as honest and sturdy a race of democrats as ever the sun shone upon. Of intelligent, thinking, independent, and free men; each doing and acting for himself in all questions of public interest; having perfect equality of right, and participating, to the fullest extent of a free citizen, in the direction and control of all public affairs.

This, sir, is the character of the democracy with which I am familiar; nor I apprehend are our true Northern democrats of a texture any whit inferior. But I desire my constituents at least to know to what sort of democracy the merits of this bill are addressed by its friends. Not to intelligent and thinking men, but to a class who are counted only by their numbers, and are estimated to have no influence in public affairs, save as a mass holding a certain position toward capital.

[Mr. PICKENS here asked the floor, and was understood to say, that he did not lay down the proposition as broadly as was stated by Mr. MASON. He meant only to say, that the tendency of the institutions at the North was to organize capital, and to make labor tributary to it; and, unless such tendency were checked, would finally reduce labor there to a state of vassalage.]

Having thus given my objections to the passage of any law at this time, which has not for one of its principal objects a reformation of the currency, or, I should more properly say, which will not by its operation lead back the banks to a resumption of payment, I proceed briefly to suggest what my opinions are of the ultimate attitude which the Government should assume towards these institutions. I have no expectation or belief, notwithstanding the cry which has been raised against the banks, through the press and otherwise, that by any action of this Government these institutions can be destroyed. It is not in your power to do so, sir, if you would; and, if attempted by any means, direct or indirect, every effort that you could make would eventuate in defeat. They are created by the States—are incorporated, and have life given to them by their separate law—for their being they lean upon the States, and are as entirely independent of you, as you can ever become of them. Most of the States have a large moneyed interest in their stock, and participate largely in their management by the immediate appointment of directors.

Virginia has an immense fund invested in her banks, the income from which is appropriated to education, to internal improvement, and to other favorite objects of her State policy. Besides all which, the banks of each State furnish to each the entire paper circulation within its borders—a source of profit in which the States themselves largely participate. For good or for ill, then, these banks are so closely interwoven now, in all their relations with State interests, that they cannot be eradicated, even by the power upon which they depend for existence.

They enter largely into, and influence to a great extent, all the elements which affect the trade of the country; and thus, whether you are connected with, or divorced from them, whenever trade or the course of exchange (in which they largely deal) is deranged or injured, your finances will be immediately affected. You may be divorced from them *a mensa*, and *a vinculis*, and should a period ever occur again, when there is a general suspension of specie payment, your Treasury will stop payment in unison with the banks, precisely as it has done now; and the only difference between you will be, that they will stop payment as a measure of precaution, and you from necessity.

I say, then, emphatically, that the present embarrassed condition of the Treasury is not owing to its connexion with the banks. You have not now money enough to the credit of the Government, in all the banks north of the Potomac put together, (the quarter where the principal revenue is collected,) to carry on the Government for two weeks. The Treasury is without money; not because the banks have stopped payment, but because its supplies are cut off. Its revenue is stagnant in the hands of its debtors, and not in the vaults of the banks. There is money enough due to you, but you cannot get it in, and so it is precisely with the banks. You and they are both obliged, being operated upon by the same causes, to give time to your debtors, and to wait for the reaction of trade, the revival of commerce, before you can again get afloat.

Neither is this reasoning at all weakened by the fact that you have some five or six millions yet on deposite in the Southern and Western States, which is styled "unavailable"—meaning that you cannot command it for use. You cannot command it, simply because you have no use for it in the place where it is. In the Northern and Eastern States, where you had use for the money, you have withdrawn it rapidly since the suspension, and so you would have done from those South and West, could you have used the money at the place where it was. Suppose, then, that this money, instead of being on deposite in the banks, was locked up in sub-treasuries in gold and silver. Five or six millions of bullion is too large a sum to be suddenly transferred from one quarter of the country to the other without producing very serious effects upon the trade and business of those places whence it is taken; and yet you would have no other resource whatever in order to make it "available," but to bring it away in bulk, transporting it at heavy cost across the country from the place where it was collected to the place where it was wanted.

You could not command a dollar by means of exchange; for the very causes that now make your deposite "unavailable" there, have run up exchange to rather more than the expenses of transportation. And thus that whole fund, even if now in gold and silver, and in sub-treasuries to boot, would be just as unavailable to Government, in the present condition of the country, as their deposite is in the banks mentioned. Government would not attempt to bring away the metal. The country would not allow itself to be thus drained; or, if it were done, the very operation would open the people's eyes to the working of the machinery, and all would cry out against it. No, sir; if this whole "unavailable fund" in the South and West were now locked up there in gold and silver, sooner than encounter the cost and risk of transportation, and the clamor that would be raised against it in those States, we should go quietly to work, as we are now doing, and issue Treasury notes to answer in its place, until the restoration of trade to its accustomed channels would allow its being made available by the use of bills of exchange.

Treating the banks, then, as they certainly are, institutions dependent for their being upon the States alone, and yet exercising so important an influence upon the trade and business of the country, it becomes us next to inquire what is the best and safest relation in which the Government can place itself toward them, to avoid, as far as may be, a recurrence of the evils under which we now labor.

In the first place, I see no prior necessity, either as regards the welfare of the Government or the banks, for any connexion between them whatsoever. A sudden and violent separation, such as is contemplated by this bill, I have already said would, in my judgment, be impracticable in the present condition of the country. I believe the transition (from the state of things which such a "divorce" would create) would be a national bank, as inevitably as

from anarchy and confusion a people always seek relief in despotism.

The process of separation must be gradual after it is commenced. And its commencement must await the entire recovery of trade, accompanied, as such recovery will be, by a sound and healthful currency; that is to say, a currency, so far as it is paper, convertible into specie at will.

The Government may, I think, under such circumstances, and at such time, confine its receipts to gold and silver, and withhold its revenue, while resting between collection and disbursement, from all use, whether of banks or others.

I am aware that strong objections hold to keeping so much money idle as would remain permanently on hand under any system that may be adopted. But my decided impression is, nevertheless, that the patronage and political influences with which its use by these corporations must be attended, together with the great incentive which it offers to overtrading, are objections far stronger. And from such inaction of the public money I should look for another great practical good. It would invite, in the most urgent manner, as a fixed policy, a scale of revenue reduced to the lowest standard of the most economical administration.

And again: by confining its receipts to gold and silver, the collection of the revenue would exercise a salutary control over the issue of the State banks. It would do so, by presenting at their doors, to the extent of that demand, always an inexorable creditor—a curb sadly wanted by the banks in their late career. The receipt by Government of gold and silver only, after the paper medium becomes freely and immediately convertible into coin, presents nothing inconsistent with the position that Government must deal in the same currency in which the people deal, because coin and paper immediately convertible are substantially the same.

But I can see no advantage, and on the contrary a fruitful source of mischief, in making Government officers the keepers of the cash. Place about them what guards you may, in the shape of commissioners, inspectors, or whatever else, peculation will be endless. There is no security in it, and it will involve heavy and unnecessary expense. The chief and over-ruling objection, however, is the endless source of patronage to which it would give rise. Make the machinery as simple as you may, and open to view, wherever money is, temptation will creep in, and corruption in every form following at its heels. But the money can be safely kept, under the most ample security, and freed from every objection of patronage or political influence, by a simple system of special deposites in the State banks, remaining always in specie, the separate property of the Government, and paid out in kind upon drafts from the Treasury.

I have thus stated my objections candidly and fairly to the bill. They go more to its peculiar machinery, and to the time at which it is brought forward, than to its general scope as a measure of State policy in the subject which it is intended to affect. There is no sufficient reason, as I have already declared, satisfactory to my mind at least, why it should be passed now at the close of a short and hurried session. And I take leave of it, therefore, in the confident hope that this great subject of the relations between bank and State will, at a future day, be presented in such form as will unite those counsels which are now so unhappily divided.

When Mr. Mason had concluded—

Mr. ROBERTSON, of Virginia, addressed the chair as follows:

Mr. Chairman: As the gentleman from South Carolina [Mr. Legare] has declined for the present occupying the floor, and no other gentleman seems disposed to address the committee, I avail myself of the occasion to ask a share of its attention. Before attempting to express my views, permit me, sir, to advert to an amendment which I had the honor, some two weeks past, to lay upon the table, and which, with some modifications, it is still my wish, at a proper time, to present.

[Mr. Robertson here requested that the Clerk might read a part of his proposed amendment.]

My proposition, sir, substantially is, that the public treasure shall be placed as a special deposite in the local banks.

The bill before us, Mr. Chairman, presents for our consideration two questions, essentially distinct, which, however, seem frequently confounded: one, as to the medium in which the public dues should be paid; the other as to the manner in which they should be kept. The one is a question of currency: the other of custody merely.

Agreeing, sir, with my colleague, [Mr. James M. Mason,] that no Government ought to exact from the people a currency which they cannot command without a heavy sacrifice, I am prepared to go farther than he is. After so strongly protesting against such a policy, he must pardon me for saying that in insisting, as he does, on specie, or the notes of specie paying banks, he runs counter to his own doctrine. There is but little difference between his scheme, indeed, and that of the bill before us, which he denounces as oppressive. The only difference is, that he would permit the whole revenue to be paid in notes of specie paying banks, whereas this bill permits three-fourths only for the ensuing year, gradually diminishing the proportion, until, at the end of four years, specie only shall be received. But at this time, and until the banks shall open their vaults, both propositions are equally oppressive; for until that shall happen, and no man can foretell the day, there can be no notes of specie paying banks, and gold and silver therefore is exacted by both. To afford any effectual relief, we must receive such currency as the people can procure; we should take from them until the resumption of specie payments by the banks, such notes as they take from each other; such as the State governments receive in payment of public dues—provided they be not too greatly depreciated. If gentlemen can insure a speedy resumption, it may be well to insist on gold and silver, or the notes of banks which pay it out; but to exact either at this time, is to be guilty of the very oppression my colleague so justly denounces. The only remedy for the evil which those who have the power propose to apply, is to be found in the plan they have adopted of issuing Treasury notes. The manufactory of paper money just established in Washington, is to afford us a currency adequate to all our wants. My colleague, who supported the measure, disavows any design of creating this currency with a view to circulation. I am glad that he does. But the object has been explicitly avowed by many of its friends on this floor. We have been told by the President that eight or ten millions will suffice for public payments; and, with the view of meeting those payments, we authorize the issue of ten millions in Treasury notes. It only requires authority to continue them in circulation, by a reissue, to supply the whole annual revenue. Should this system become established, all the channels that lead to the Treasury will be supplied with our new paper money, and not a dollar of specie, in all probability, find its way to it, except what may flow from the mint. This is the plan of our hard-money Government; and, to reconcile us to it, the gentleman from Maryland, [Mr. McKim,] by a strong figure of speech, calls this paper gold and silver.

I do not profess to measure the consequences of this new issue of paper money. I believe it to be calculated, if not intended, to throw discredit upon the State banks, and am unwilling myself to engage in a war upon them. All the States have adopted the policy of banking. Their

right to do this none will question: they have a deep interest in their respective banking institutions. The State represented by myself and colleagues has invested in them her funds for education and internal improvement. Under these circumstances, it is not in our place to read homilies to the State governments on the impolicy of banks, nor to do any thing here in our representative character, with the view of crippling or destroying them. On the contrary, within our constitutional power, we should rather endeavor to restore their credit and stability.

As for that part of the bill which directs in what currency the public dues shall be paid in all time to come, it seems to me unnecessary and premature. We need not legislate in this matter for posterity; nor even for the next three or four years. The present state of the currency is such, that we should act more wisely to leave this question to those who will come after us, and content ourselves with providing for the present emergency. But, sir, I waive the subject of currency, as one in regard to which the Government has already settled its policy, and pass on to the other very interesting question presented by the bill—that relating to the custody of the public money.

The plan which I have had the honor of suggesting—by no means, however, of originating—that of specially depositing the public funds in the local banks, is essentially different, not only from the bill, but also from the amendment of my colleague, [Mr. GARLAND.] It maintains the principle of separating this Government, both in its pecuniary and political concerns, from banking corporations, which my colleague's amendment, providing for a general deposite, does not, and at the same time secures the public treasure from the risk to which the bill subjects it, by leaving it in the custody of individuals. We have already experienced the ruinous consequences of leaving the vast revenues of the Government in the banks as a basis for banking operations. The plan of special deposites, if adopted, will prevent their recurrence for the future; and prevent, too, the no less serious evils which may be anticipated from suffering these immense treasures to remain in the hands of our revenue officers. There is every reason to fear that those officers will themselves use the money, as the deposite banks have done, by way of loan and discount, or be tempted to employ it in private speculations. The instances of such abuses are, unfortunately, but too frequent. I must say, however, that those alluded to by my colleague, [Mr. GARLAND,] as having occurred in Virginia, do not justify the use he has made of them to show that his plan of general deposite in bank is exempt from danger; for they occurred under that very system, and not, as he seems to have supposed, under a system resembling what is called the sub-Treasury. The same may be said of the almost innumerable defaults in the Post Office. Still, they prove the difficulty of resisting temptation, and the danger to which the public treasure must be always exposed under the most guarded regulation; and, it must be acknowledged, apply with increased force to the scheme contained in the bill.

There are but three modes suggested of providing for the custody of the public money; by placing it in bank as a general deposite, or as a special deposite; or leaving it in the hands of individuals. I prefer the plan of special deposite; but if compelled to select between the bill upon your table, and the amendment, imperfect and exceptionable as it is, I must say, unequivocally, I will take that which insures a separation rather than that which perpetuates the union between the Government and the banks—between political power and moneyed capital. I hope, sir, the measure in its present shape will not be forced upon us. It is because I wish the principle to be successfully carried into practice, that I object to a plan almost certain, by its failure, to give a triumph to its enemies, and pave the way for a national bank.

All agree, Mr. Chairman, that a national bank, at this time, is inexpedient and unattainable. Yet no one can be so blind as not to see that the friends of such an institution have it in full prospect. The whole course of the debate during the present session, proves that they by no means despair of its ultimate establishment. Elaborate arguments have been urged with a view to forestal public opinion. I must, therefore, sir, ask the indulgence of the committee, not to enter at length into the examination of a subject so thoroughly investigated by the ablest statesmen, that an idea can scarcely be presented that has not been repeatedly presented before; but to glance at the grounds upon which it is urged, and the reasons which render it the object with me of apprehension and aversion.

The power to establish a national bank is deduced from various clauses in the constitution. No one pretends that it is granted in express terms; and the variety of sources from whence it is inferred, is a strong argument against the pretension. We are referred to the clause which authorizes Congress to regulate commerce with foreign nations and among the several States. The term *regulate*, is expounded as synonymous with *facilitate*, and then the grant of power is made out without difficulty; for banks, none will deny, facilitate commerce; and so, it may be asserted with equal truth, do ships, and canals, and roads; and the conclusion to which we arrive that Congress may incorporate a bank, is equally strong in favor of the right to build ships or incorporate companies for constructing roads and canals; and this conclusion, accordingly, Mr. Hamilton and the federalists have always adopted. It leads us still farther: for it would justify, as indeed Mr. Hamilton asserts, the power to incorporate companies to carry on a foreign trade, and, as may upon the same principles be maintained, to incorporate companies to carry on agricultural pursuits—for commerce is essentially dependent upon agriculture, and, indeed, cannot exist without it. The argument that proves all this, proves too much; and, proving too much, proves nothing.

But Congress may coin money and regulate its value, and, therefore, may establish a bank. Making bank notes is not, in the sense of the constitution, or in any sense, "coining money." It would be a reflection upon the understanding of those who framed the constitution, to suppose they did not know the meaning of the terms they used. If to issue paper be to coin money, then every State bank has exercised this high prerogative of sovereignty, and usurped the power exclusively conferred upon Congress. Printing or stamping paper is not coining, more than a bit of worthless paper so printed or stamped, is really what the gentleman from Maryland terms it, gold and silver. I will not admit, sir, that bank paper or Treasury paper is a coinage; but I fear that in establishing this manufactory of paper money the friends of State rights have done the very act which they denounce. They have established a bank—the worst of all banks—a Government bank. Let gentlemen turn to the able argument of Mr. Hamilton—for able it unquestionably is—and they will find that one of his strongest reasons in favor of the right to incorporate a national bank is deduced from the power, which he contends they possess, to establish just such a manufactory of Treasury notes as that which we have recently created. Assuming that power, which he considers in essence the power to engage in banking operations, he readily and plausibly at least contends, that if to create a bank be lawful, it cannot be unlawful to incorporate it. Sir, I will not say that; but I will say, if it be lawful to create a bank, it is wholly immaterial whether the power to incorporate it exist or not. It is the banking principle to which I am opposed, not the mode in which it shall be carried into practice; or rather, I would say, this power to engage in banking operations, is more odious when exercised directly by the Government, than when exercised through the in-

strumentality of a corporate body. One man may be a banker, as well as a corporate body; a Government as well as an individual. Gentlemen war against the power of incorporation; but the real danger is in the power of banking; and of all the modes of which that power can be exercised, the most odious, I repeat, and the most dangerous, is that by its own direct agency; in other words, a Government or Treasury bank, such as we have just created.

Gentlemen tell us again, that all duties must be uniform, and that this provision presupposes the right to establish a national bank. No, sir, it requires nothing more than to exert the power vested in Congress to coin money and regulate its value. When this is done, all duties are easily made uniform by requiring them to be paid in the same currency, or in other equivalents. It requires no bank to do that.

There is yet another ground: the plea which justifies every usurpation—the plea of necessity. Congress may make all laws necessary and proper to carry into effect its granted powers; and we are told that a bank is necessary to enable the Government to collect and disburse its revenue. I deny the necessity or propriety of such an institution for such a purpose. That institution cannot be regarded as necessary or proper, in the contemplation of the constitution, which did not exist for years after it was adopted; without which we conducted our fiscal operations from 1811 to 1816, and from 1832 to the present moment. We have the authority, too, of Mr. Madison, recently after its adoption, uncontradicted, that the power to grant corporations was applied for, and refused. It would be a reflection upon the understanding of the sages who framed that instrument, to hold that the incorporation of a bank was necessary and proper, and yet that all power of incorporating such an institution was denied.

Sir, to assert the necessity of such an institution is to fly in the face of facts, and to endow Congress with a discretionary power to do whatever they may choose to declare necessary. It is to assume absolute and unlimited power.

If the constitutional right of Congress, however, sir, were undisputed, I should still oppose a national bank as inexpedient. I concur, sir, most fully, with my colleague, [Mr. Hunter,] that the credit system needs no artificial stimulus; or, if it does, that it has no claim to derive its aliment from the public treasure. I am no enemy to the credit system within its legitimate bounds: that credit which rests upon anticipated returns of capital or labor will deserve aid and encouragement; but a credit having no such solid foundations leads to far different results. The facilities afforded by an undue increase of banking capital, often tempt those who rest solely on borrowed means to engage in wild and reckless adventures; speculations in fancy stocks, in lands yielding no produce, in cities without a house, harbors without a ship. If the gambler in these lotteries should fail, the loss falls on the laborer or the capitalist. If he succeed, it is often at their expense. His palaces rise like exhalations, and he lolls in his magnificent coach, while the farmer or the mechanic, often with ten times his substantial capital, can scarcely afford an humble dwelling or a one-horse chaise.

But the gentleman from New York [Mr. Hoffman] informs us that the credit system works well; not, I believe, sir, just at present. Doubtless it has worked well, through the aid of the Bank of the United States; at least in the North, and so it may again. But what has been its effects at the South? Upon this subject, my friend from South Carolina [Mr. Pickens] has given us some interesting details. Look back, sir, to the condition of the South before and since the establishment of the first national bank, and you will not fail to be struck with the rapid advance of the Northern States compared with the Southern. It may be that other causes have conspired to increase the relative prosperity of the North, and depress the South. But the result is most striking. Virginia, with one of the finest harbors in the Union—with three large rivers leading to the interior; rich as she is in vegetable and mineral wealth—is tributary to the North for most of the foreign goods she consumes. And is it not reasonable to suppose that much of this may be attributable to the cause I have mentioned? Would not the necessary effect of such an institution be to afford superior facilities to those among whom its capital was principally divided, and render it impossible that the Southern merchant could come in competition with the Northern?

There is another and obvious injury which a national bank may inflict upon the South. The able man who presided over the last, has boasted, it is said, of his power, whenever he pleased, to crush the banking institutions of the States. This power—the power materially to affect our prosperity, by sudden expansions or contractions of its loans—may never be exerted. But it is one too dangerous to be entrusted with those whose interests are not indentified with our own. Money, sir, it has been often and well said, is power. We should not be satisfied to look at the mere expediency of the moment! We should look to the future, as well as to the past. In all free States, collisions may be expected to arise. An oppressive tariff has once, already, nearly shaken our confederacy to its centre, and brought us to the very verge of civil war. A restless band at the North are even now plotting the destruction of our domestic institutions. We have heard of a Pennsylvania legion of ten thousand ready to draw the sword at the command of the Executive. Such threats should not disturb us; but for one, sir, I frankly declare that I should be unwilling the South should contribute the means which may be employed for her own destruction. A national bank was never a favorite measure in Virginia. Even in 1816, though many yielded to the pressure of the times, a majority of her delegation voted against it, and in 1791, when the original sin was committed, it received the support of but three members of the entire representation from the south side of the Potomac. I trust the attempt will never again succeed.

I say not this, sir, in an invidious spirit, or with any unkind feeling to the North. But the common treasure—the credit of the Government—should not be made the means of aggrandizing one section of the Union exclusively, still less made the instrument of oppression to another. It is for these reasons, Mr. Chairman, I have no desire to see a national bank ever re-established. Sincerely approving the principle which the bill upon your table proposes to carry into practice, I would have it as free as possible from all serious objection; that this Government may be once again, and forever, separated from any direct interest in the business of banking corporations, and they cease to have any influence over the political movements of the Government. That principle, assailed as it has been by argument and ridicule, every friend of our free institutions should wish to see successfully adopted. It is not, as my colleague [Mr. Wise] supposes, a novel one, originating in an agrarian spirit. It claims a much loftier origin. It received the sanction, many years ago, of Mr. Jefferson. Sir, it is my habit to lean upon the authority of great names; but it may be regarded as among the evil auguries of the times, that the opinions of Mr. Jefferson are made the theme of ridicule, while the ultra federal doctrines of Mr. Hamilton are quoted with approbation in this hall. No man was ever more ardently devoted to the cause of liberty than Mr. Jefferson; few ever possessed a more vigorous or original mind, or more independently expressed the opinions he entertained. It is to him, as much at least as to any of the great statesmen of his day, that we are indebted for what is most valuable in the free institutions under which we live.

But, sir, we need not the aid of his name to vindicate the principle we maintain. Our own history gives us proofs that it is neither a new idea, nor had its birth in a factious spirit. We need only go back to the session of 1834 to find it supported by men whose patriotism and sound republican principles will not be questioned. Early in that session, Mr. Gamble, of Georgia, moved an inquiry into the practicability of dispensing with banks in our fiscal operations. Subsequently, when the deposite bill was before the House, General Gordon, then my colleague, proposed his plan for what is now called the sub-Treasury. Approving the principle, but believing it imperfect in details, I had the honor of submitting a motion to recommit the bill, with instructions to amend it so as to dispense with bank agency. On this motion the yeas and nays were called: ninety-one members, including General Gordon himself, and the opposition party almost to a man, voted in favor of the motion; one hundred and fifteen, almost exclusively the friends of the administration, voted against it. Were those who sustained it agrarians, or actuated by a spirit of factious opposition? None will assert it. For myself, I can truly say the motion was made in good faith. It was placed upon the ground of the insecurity and danger, both in a pecuniary and political view, of a connexion between this Government and banking corporations. On the contrary, the administration party derided the proposition; those particularly who have since occupied conspicuous stations in the House. The present Speaker, then chairman of the Committee of Ways and Means, warmly commended the State banks as every way competent, and worthy of all confidence. The present chairman of the Committee of Ways and Means [Mr. CAMBRELENG] also opposed it. He has reminded us of his speech, in which he said he concurred with me in the principle, but did not think that the proper time to assert it. Yes, sir, I remember it well. He approved the principle, but refused to carry it into practice. He spoke in favor of the proposition, and voted against it. The bill providing for a general deposite of public money in the State banks was passed. It was the favorite measure of the party in power. But, sir, strange to say, those who, seemingly at least, favored the principle of separation, now denounce it as factious and chimerical; and its opponents have become its warmest advocates. It is not for me to question the sincerity of either party. That is between them and their consciences. We have to do here with measures, not motives. I think now, as I thought then; and will not change my course, because the administration party, or the opposition party, may think fit to change theirs. I have never so far enlisted under the banners of either, as to give up the exercise of my own judgment, nor consented to submit to the dictation of any party, or of any man in this House, or in the other House, or in the White House. Still less will I yield up the convictions of my own mind, because my political adversaries have acknowledged their truth. The experience of the last two years has been enough to open their eyes; and I will hope, sir, they have seen their error. To adhere to an opinion, when reason and experience show it to be erroneous, is to be a bigot or a hypocrite. It is equally true that those who desert their own principles, and act in opposition to their own judgment, are slaves, mere puppets, moved by the will of another. Maelzel could construct a House of Representatives as fit to exercise the functions of legislators—yes, sir, speaker, orators, and all, down to the previous question.

But it is asked, why legislate upon the subject now? The separation has taken place, and the sub-Treasury scheme is in full operation. True, sir, but how has this been effected? By the simple mandate of the Executive. Is it not obvious, too, that this plan itself, as now practised, is insecure, and stands in need of legislative provisions?

It is the duty of Congress to provide for the safety of the public treasure. We cannot justify ourselves if we abandon it to the control of the Executive. It is a power never safely entrusted to any but the immediate representatives of the people. Yet our legislation is almost wholly shaped, so far as concerns the revenue, by the other House, or by the Executive. We have even received bills for raising supplies from the Senate almost without a murmur. The bill for depositing the surplus with the States, it has been said, was amended at the White House, so as to meet the views of the President. Look, sir, to the history of the Treasury circular—a measure adopted in known opposition to the will of Congress, and the act repealing it pocketed by the President, and, for aught we know, now at the Hermitage. Look to the course pursued for years past, in regard to the custody of the public money—removed from the place where you had appointed it to be kept, to places you had never authorized to receive it. Yes, sir, you had ordained a union between the Government and the national bank; not, perhaps, strictly in the bonds of lawful matrimony. This union lasted for years; it was severed by the Executive *fiat*; our Chief Magistrate cut the knot with as little ceremony as Henry VIII, and then took up with almost as many wives as surrounded King Solomon—forty or more—eighty, sir, it is said around me. The State banks came into favor. It was an illicit connexion; the banns had never been celebrated. We were called upon to sanction both acts—the divorce, and the new union, and we complied most obediently. The State banks, in turn, have given offence, by too faithfully obeying the orders of their lord and master; and now the royal edict has gone forth, and the cry is "off with their heads." The chamber of Blue Beard never exhibited a more bloody spectacle. Yes, sir, in little more than two years, these new favorites are discarded; and, after the flattering picture drawn of the entire security of the State banks, we now behold upon our table a bill to settle up our accounts with the late depositories of the public money. The Executive has again taken the public treasure into its keeping, or, rather, has scattered it throughout the land, without the authority of law, in the hands of thousands of individuals. I repeat, sir, it does not become us to leave it in that condition. We may avoid the danger to which it is exposed, in my humble judgment, by placing it as a special deposite in the local banks, and, in making that deposite preserve, substantially, the principle which the sub-Treasury scheme is designed to assert. Special deposites no more imply any pecuniary or political union between the Government and the banks, than such a union would spring from employing a railroad or steamboat company to transport the mail or munitions of war. I trust, therefore, sir, we shall have the aid of the chairman of the Committee of Ways and Means to amend the bill in the way I have had the honor to suggest. It would be the most effectual means of rendering the measure successful, and putting an end to the hopes of those who look to its failure as resulting in the establishment of a national bank.

Mr. GARLAND, of Virginia, thought it his duty to make some remarks on the amendment he had proposed. After replying to some arguments of his colleague in relation to the Virginia banks, he adverted to the present bill. He was sure the Government would never prosper when divorced from the banks, between whom and the people there still existed a matrimonial connexion. It was his opinion that, in less than eighteen months after the passage of this measure, the Government would seek to reunite itself with the banks. The relief now proposed to the people in lieu of the State banks, reminded him of a certain criminal, who, when on his way to the gallows, was offered a reprieve on condition of his marrying an ugly, wrinkled old woman. The man, after a moment's reflection, exclaimed,

"A sentence hard you do impart;
The woman's worse—drive on the cart."

And thus preferred hanging to a wedding on such terms. So the sentence was more preferable to the people than the system now proposed. The object of the divorce bill was to take the money from banks and to deposite it with sub-agents. But, in his opinion, taking into consideration the frailties of human nature, it would be a dangerous scheme. He did not mean to say that the officers of Government had less integrity than other men; but when the lamentable instances were called to mind where individuals of high standing had sacrificed an unblemished character for a mere paltry amount, it ought to teach a lesson to guide them in the present instance. He would repeat the words of his colleague this morning, who had said even the words of our Saviour were, "lead us not into temptation." He advocated the plan of keeping the money in the vaults of the banks, as more secure, and particularly if the amendment last offered were adopted, which provides that the banks shall receive the money as a special deposite, and without using it in any way whatever. He denied that the banks were insolvent, as had been stated. He had been informed on unquestionable authority, that they were as sound now as before they suspended specie payment. As regarded the proposed separation, he had always understood that our system of Government, although necessarily divided into many branches, was all one. But now they talked of a separation from those institutions of which the States had laid the foundation, and which they had cherished to this time. How fearful would be that time, should it ever occur, when this Government should consider it as its duty to make its action independent of the States! He did not say that gentlemen designed this, but he would entreat them to reflect whether the present measure would not pave the way for such a state of things. The true policy of Government was to cement itself more closely with the States, and he had no doubt but that the issue of Treasury notes would speedily afford relief, and enable the banks to resume specie payments. It had been said that these notes would lay the foundation of a Treasury bank, but he had no apprehension of that kind, for the restrictions to that bill would render such a result impossible. He contended that the bank note system had not had a fair trial, and referred to the Bank of France, and other institutions, in support of his position. At the conclusion of his remarks,

On motion of Mr. HAYNES, the committee rose and reported the bill to the House, without coming to any resolution thereon; when,

On motion of Mr. BRIGGS, the House adjourned.

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THURSDAY, OCTOBER 12.

## FLORIDA WAR.

The House proceeded to the unfinished business of yesterday morning, which was the motion of Mr. McKAY to postpone the consideration of the resolution of Mr. WISE for a committee of inquiry on the Florida war till the first Monday in December next.

Mr. McKAY made a brief explanation, stating, in substance, that he had moved the postponement because all the important points in the resolution were already within the province of different standing committees, or had been investigated before courts martial or of inquiry. As to the expenses of the war, he had no objection to a strict investigation of them; but this could be prosecuted through the standing Committee on Expenditures in the Department of War, whose duty it was to report on that subject at the next session.

Mr. ADAMS said he was happy to hear the explanation, and to learn that the gentleman from North Carolina (to whose vigilance he paid a compliment) was not, as Mr. A. had before understood him, of opinion that no investigation was necessary. Mr. A. made some remarks going to show that the committees to which the several subjects of investigation had been formerly referred, were not likely to prosecute the inquiry with any practical efficiency. Indeed, he was of opinion that no standing committee of the House ever would conduct a scrutiny of this nature with effect, and insisted that none but a select committee, and that appointed by ballot, would be likely to do any thing to the purpose in the matter.

In reply to remarks of Mr. McKAY, on the composition of committees, and especially of the Committee on Manufactures, Mr. A. went into a history of that committee, from the time when he had entered Congress, and had, contrary to his own earnest remonstrance, been placed at its head. He gave an account of the circumstances which had attended the report by that committee of the tariff bill of 1832; went into a history of the manner in which the celebrated compromise bill had been introduced into the House, and passed without debate by force of the previous question. He made some general observations on the practice of appointing, on all the important committees of the House, a majority of members in favor of the administration; to which he did not object; but stated that, until the late era of reform, the opposite practice had prevailed. He objected to the postponement, as the committee would want all its time, and much useful progress might be made during the recess.

Mr. WILLIAMS, of North Carolina, demanded the yeas and nays on the question of postponement, and they were ordered by the House.

Some conversation took place between Messrs. BOND, McKAY, and REED, as to the necessity of the investigation proposed, and as to the abuses which exist in the Indian relations of the country.

Mr. BOND took occasion to introduce a statement of appropriations, within the last two years, for the suppression of Indian hostilities, all these expenditures being so much in addition to the ordinary expenses of the military establishment.

Mr WHITTLESEY, of Ohio, hoped if the motion for postponement prevailed, one good result would follow: that the Committee on Expenditures would discharge the duties assigned them. He animadverted with much particularity upon the neglect of duty which characterizes so many of the standing committees of the House, and the difficulty even of procuring meetings for the performance of their duties.

Mr. A. H. SHEPPERD, of North Carolina, made some remarks to a similar purpose, and gave an account of the manner in which he had performed his duty as chairman of the Committee on Expenditures in the Department of State; stating some facts going to show the necessity of vigilance in the discharge of their duty by the Committees on Expenditures in the the several Departments.

## SUB-TREASURY BILL.

The House then proceeded to the orders of the day, and went again into Committee of the Whole on the state of the Union, (Mr. F. O. J. SMITH in the chair,) on the Senate's sub-Treasury bill.

Mr. RICE GARLAND made an ineffectual attempt to have the bill laid aside, to take up the bill to settle with the deposite banks.

Mr. HAYNES, who was entitled to the floor, addressed the committee as follows:

Mr. Chairman: At an early stage of this discussion, while the Committee of the Whole on the state of the Union was engaged in the consideration of the bill to postpone the fourth instalment of deposite with the States, so extraordinary were some of the statements of fact, inferences, and arguments, presented by some gentlemen who took part in it, more especially the remarks made by my honorable friend from South Carolina, [Mr. THOMPSON,]

that nothing but the position occupied by me could have prevented my endeavoring to offer an immediate reply. That honorable gentleman, in his zeal to throw upon the late and present administrations the burden of the present difficulties and embarrassments of this country, was pleased to institute a comparison between the course pursued by the monarchies of Great Britain and France, in periods of commercial distress in those countries, for the purpose of contrasting their paternal solicitude for their subjects, and the grievous oppression of the American Government towards its citizens. Among the extraordinary statements sometimes ventured in this House, I was not prepared to hear an honorable gentleman speak in terms of eulogy of the conduct of the French Government in the memorable explosion which terminated the Mississippi bubble. The honorable gentleman from South Carolina surely has not lately revived his historical recollections, or he would have held very different language in reference to the conduct of the French Government at the period to which he referred.

What, Mr. Chairman, is the history of the Mississippi bubble? A foreign adventurer established a bank in Paris in the year 1716 or '17, which, having been managed to apparent advantage for a few months, was purchased in the name of the King in the course of the following year. Banking was then a novelty in France, and the scheme seemed to work so successfully, that an emission of paper sufficient to redeem the public debt was issued shortly after the bank became the property of the King. It would be a waste of time to recapitulate the measures which were adopted to enable this bank to monopolize the whole external commerce of France. By what means it is unnecessary to inquire, the shares, originally of the value of 500 livres, were raised, by a series of speculations, to the enormous advance of 10,000. The Government having become alarmed by the wild and reckless spirit of speculation produced by an immense issue of bank notes without a specie fund for their redemption, and fearing there might be a run upon the bank, issued an edict, under severe penalties, that no individual should have in his possession, in coin, more than the sum of 500 livres. To aid the bank in sustaining its credit, the livre, in coin, was reduced or debased to one-half its original value; and, to cover the difference between the livre in coin and the livre in paper, the latter was made to undergo such successive reductions in value as should, in the course of a few months, bring it down to the standard of the debased coin of that denomination. All would not do to sustain the credit of the bank; and, in the course of three or four years from its establishment, having afloat the enormous sum of four or five hundred millions of dollars of irredeemable paper, the notable scheme was wound up by issuing an edict reducing the price of shares to 5,000 livres; which was shortly followed by another, compelling its holders to fund the bills for the miserable pittance of an annuity for fifty years' purchase, and that, so far as I can ascertain, without interest. This, sir, is a statement of what the honorable gentleman from South Carolina has been pleased to eulogize, as showing the paternal care of the French Government for its subjects.

How far it tallies with the history of the late and present administrations of this Government, the committee can judge. Of the parallel the honorable gentleman was pleased to institute between the course of the British and American Governments towards their subjects and citizens, in periods of pressure and alarm, I shall speak hereafter. Flat, stale, and unprofitable as it would seem to be, I was not particularly surprised to hear the American Government charged, by almost every gentleman opposed to the system of measures under consideration, with having produced the extraordinary state of things which has existed for the last few months in this country. Such is the infirmity of our nature, that what is often repeated may sometimes come to be believed as truth, when at its original promulgation it was known to contain no one single element of truth whatsoever. And in what manner has this grave charge been supported? If it would not be disrespectful to those who have made it, I would say, we have had "declamation without argument, and assertion without proof." That the late President should have come in for a full measure of condemnation is not wonderful, considering the tone in which the opposition have spoken of him ever since the commencement of his administration. But, sir, I will not imitate the example of those who have ascribed the late commercial revulsion to Executive usurpation, by relying on a mere contradiction of their charge, although, in all fairness, I might do so.

The first specification against General Jackson is, that, by refusing to sanction the recharter of the United States Bank, he opened the field for the creation and operation of State banks without limitation or control; and, as a consequence, that the country has been flooded with irredeemable paper. And here it may be proper to remark, that the opponents of the late and present administrations are not agreed whether the paper currency has, or has not, been extended to an unreasonable amount. If I did not greatly misunderstand the honorable gentleman from South Carolina, a considerable portion of his remarks was intended to show that the local bank issues had, at no period, gone beyond their proper and healthful proportion to the specie in this country. If this argument be true—and for the present I shall pass it by without further examination—this grave charge of Executive influence in producing an unsafe increase of bank capital and circulation, must fall to the ground. That the veto upon the bill to recharter the United States Bank in 1832, may have had some influence in increasing the establishment of local banks, and their consequent issues, I might be disposed to admit, if the testimony of a distinguished financer, high in the confidence of my honorable friend from South Carolina, together with considerations connected with it, did not go to establish the contrary. It is well known that the advocates of a national bank base their support of that measure on the ground that it can and will so regulate and control the issues of the local banks, as to keep them in a sound and healthy condition. For the purpose of the present argument, it is sufficient that I admit it. It is equally well known, that after a charter had been granted to the stockholders of the late United States bank by the State of Pennsylvania, its president congratulated them upon its severance of the connexion which had existed between the Government and the old bank, because it was better for both, and the bank was stronger without it than with it. Put this testimony together, and how dare any gentleman to say that the circulation of the local banks has been unsound or excessive? They shall not discredit their own witness, Mr. Biddle, for the purpose of extricating themselves from the contradictions by which they are environed. What then is the result? Either that there has been no excess of local bank paper in circulation, or a national bank is impotent to restrain it. I care not which horn of the dilemma gentlemen may select—either is fatal to their favorite scheme of a national bank. If I understood the honorable gentleman from South Carolina, he argued, or, if he did not so argue, it is a fair inference from his remarks upon the currency, that there had been no overtrading in this country. And here, too, if I am correct in my recollection of what was said by that gentleman, he is sustained by the testimony of Mr. Biddle, given in a letter addressed to the distinguished member from Massachusetts [Mr. Adams] about the time Congress convened in 1836, in which he showed by the state of foreign exchange that this country had not overtraded.

It is true, that in a subsequent letter, addressed by him to the same distinguished individual, he did say that we had

eaten, and drunken, and worn, a little too much, and we must pay for it. How his friends can reconcile the inconsistency, it is not for me to determine. But as other gentlemen have pursued a line of argument very different from that trodden by my friend from South Carolina, it may be necessary that I should show in what they have been mistaken. They seem to think, one and all, except the honorable gentleman from South Carolina, that the increase of local banks and banking was occasioned entirely by the measures of General Jackson's administration, and in urging this charge we have been taunted with the predictions of two distinguished citizens of Massachusetts, one a member of this, [Mr. Adams,] and the other a member of another branch of this Government, [Mr. Webster.] It is said, and I do not pretend to question it, that it was foretold by both the individuals referred to, that expansion, overtrading, pressure, and ruin, would be the result of the Executive veto of the United States Bank charter, and the withdrawal of the public money from the custody of that institution. Well might those gentlemen predict such a result, when their own immediate fellow-citizens were so actively engaged in the bringing about its fulfilment. And here permit me to make one observation, which seems to be a fair inference from the general tenor of the remarks upon this subject, that it would seem to be imputed to the friends of the late and present administrations, that they have mainly contributed to that creation of local banks and banking, under which it is alleged the country is now suffering. For the purpose of ascertaining not only the rate of increase of banking capital within the seven years, from 1830 to 1836 inclusive, and the States which have contributed to it in the largest proportions, I will present a table comprising five administration and five anti-administration States.

| | *Banking capital in*— 1830. | 1836. |
|---|---|---|
| New York | $20,083,353 | $37,308,000 |
| Maine | 2,050,000 | 3,935,000 |
| New Hampshire | 1,791,000 | 2,603,000 |
| Virginia | 5,571,000 | 6,511,000 |
| North Carolina | 3,195,000 | 2,661,000 |
| | $32,690,353 | $53,076,000 |
| | | 32,690,353 |
| Increase | | $20,385,643 |
| Massachusetts | $20,420,000 | $40,830,000 |
| Vermont | 432,000 | 1,125,000 |
| Maryland | 6,250,495 | 8,203,000 |
| South Carolina | 4,631,000 | 7,936,000 |
| Kentucky | 1,875,000 | 5,116,000 |
| | $33,608,495 | $63,210,000 |
| | | 33,608,495 |
| Increase | | $29,601,505 |

I have not considered it necessary to carry the comparison further, by arraying any additional State. This selection probably makes it as fair as if it included all the rest. But does not the result excite our wonder? That, in five opposition States, containing an aggregate representative population of two millions and a quarter, without fractions, and sending to this House forty-seven representatives, the increase of banking capital within the period referred to should have exceeded the increase in the five administration States, containing a representative population of upwards of four millions, and sending here eighty-seven representatives, by more than nine millions of dollars; and that the increase in Massachusetts alone, loyal as she is to a national bank, should exceed the increase in all the five administration States just mentioned, notwithstanding that the greatest commercial city in the Union is situated in one of them! Henceforward, let no member of the opposition taunt us with the increase of local banks and banking, nor with the fulfilment of Massachusetts predictions. It is preposterous, sir, in view of these facts, to accuse General Jackson and his friends of their agency in this business.

Well may it have happened that some who have made the charge were unable to see the mote in our eye, because there was a beam in their own. Suppose, then, it be conceded for this argument that local banks and issues have been inordinately increased: let those who have had the largest share in the mischief take their part of the odium, and I am satisfied. But until they shall have done so, let them not again say that we did it. I might have adverted to facts in the banking history of other States, under the control of those opposed to the late and present administrations, by which the disproportion would be increased; but it cannot be necessary. As I have shown the relative increase of banks in a series of administration and anti-administration States, I will make a single observation upon the subject of the general expansion of the paper circulation, which is believed to have occurred since the first of December, 1833. At that period, the order had been but recently issued to change the custody of the public money from the Bank of the United States to the local banks. Every one remembers the panic and pressure which existed from a short time after the meeting of Congress in 1833, to the close of that protracted session in 1834. There was no expansion, there could have been none, in the panic-stricken state of the country throughout that whole session. It is true that within a short time after the adjournment the storm subsided, and things gradually returned to their accustomed channels. What followed?

It has been asserted, and, so far as I know, without contradiction, that from about November, 1834, to July, 1835, the Bank of the United States extended its discounts about twenty, and its circulation about ten millions of dollars, thus taking the lead in stimulating at its commencement, and, as I believe, creating, that very spirit of speculation under which, so far as causes in this country have been concerned, we are now laboring.

It is true we have heard much about the effect of the specie circular in producing the present embarrassments of the country. But, for my own part, I have no doubt that its effect was any thing but injurious. If its operation was to restrain, as it certainly must have been, and not to stimulate, the speculations in public lands, its effect could only have been salutary. But I forbear to go further into that subject. Before I dismiss my review of the causes which have contributed to the multiplication of local banks, and the increase of their capital, I must refer to one which, above all others, aside from the expanding resources and augmented population of the country, has, in my opinion, been of the most efficient in bringing about that result; and that is, the rapid and final extinction of the public debt since 1829. In whatever form a promise to pay money may be made, it is credit; in all conceivable varieties, from the open account to the instrument under seal, including bank notes and stocks, whether of corporations or the Government, and in all these various forms may that credit be used for commercial purposes. But it is not particularly for the purpose of illustrating the commercial uses of the evidences of the public debt, that I now speak of the effect produced, by the redemption of that debt, upon the banking institutions of the country. I intend to speak of it merely as producing a transfer of capital from one employment to another.

In the year 1830, the public debt amounted to forty millions of dollars, which was redeemed in the short period of

four years. A very large portion of that debt (how much, it is not particularly necessary to mention) was owned by capitalists in the commercial portions of the Union; owned generally by those who preferred the security of the Government, at even a moderate rate of interest, to any private security whatsoever, and who would have been glad that their stock could have been irredeemable forever. But the Government had the right and the means to redeem it, and it was redeemed accordingly.

The same motive which gave a preference to Government security would naturally prefer the next best security, and that security existed, or was to be obtained, by banking corporations. Hence the redemption of the public debt, at least in the commercial portions of the Union, by releasing the capital which had been invested in it, was one of the most efficient causes, I doubt not the most efficient cause, of increasing the number and capital of the local banks in that portion of the Union to which I have referred.

In the younger States, where capital was scarce, other causes have been instrumental to the same result—the multiplication of banks, and the augmentation of their capital. Nor is it to be wondered at that the scarcity of a circulating medium, in the States last referred to, has been mainly instrumental in introducing the establishment of banks. When we consider a well-settled principle of trade—that a profitable channel of enterprise always, for a time, tempts adventurers into it, until its profits are brought down to the level of other pursuits, and for a time below them—especially when capital is suddenly released from other pursuits, and left unproductive in the hands of its owners, we need not doubt that much of the over banking of this country has resulted from the redemption of the public debt. Having, as I think, acquitted the late administration of the charge of producing the banking mania which has manifested itself within the last seven years, I will proceed to inquire into the immediate causes which have produced the revulsion under which the country is now laboring. Whatever may be the opinions of others, I have no doubt that this revulsion has been occasioned by the heedless extension of credit in every form in which credit may be employed, as by bank issues, bills of exchange, &c.

It may be impossible not only to ascertain what is the amount of the currency of a country, but what should be its proportion to the commerce of that country; nor is it at all material to my purpose, in regard to the present inquiry: that individual or community has overtraded which cannot meet its engagements. Will any one controvert this proposition? If it be incontrovertible, and I believe it to be so, have the banks been guilty of overbanking, and the merchants of overtrading?

The present condition of the country can answer this question. With a large balance of foreign debt unsatisfied, and for which there are no present means of satisfaction, who can deny that the merchants have overtraded? And are the banks in a better condition? How stood the accounts of the late deposite banks as to immediate means and liabilities on the 15th of August? They show immediate liabilities to the amount of one hundred and four millions of dollars, and immediate means to the amount of but forty-four millions and about eight hundred and nine thousand dollars, of which only ten millions five hundred and eighty thousand dollars and a fraction was in specie. In the general account of means and liabilities, it is true that a large amount of these obligations are to the stockholders; but the fact of the great disproportion between their discounts and circulation, shows conclusively that much of the stock itself has been withdrawn from them, and exists in mere credit in the notes of the stockholders; thus showing that the supposed capital of the banks is credit, and not money. But if evidence is wanting, as conclusive as evidence can be, to prove that the banks have overtraded, it is found in the fact that they cannot redeem their promises, and at best are only able to exchange one promise for another. For my part, I cannot conceive how any advocate of the banks can pretend that they have not overtraded to an enormous extent, without indirectly charging them with deliberate and wilful fraud upon the public. It may be said that the banks are unable to meet their engagements because their debtors are unable to pay them. But this only carries us one step further to the conclusion that the whole country has overtraded—a fact of which I have not the smallest doubt. I might have shown the enormous disproportion between the value of our exports and imports for the two or three years ending with the year 1836, of the immense sums vested in public lands, the disproportion between the prices of various species of property, and the annual profits of such property; but I have chosen to save the committee and myself such details, and only to present incontrovertible facts, establishing, beyond the shadow of doubt, that the banks have overbanked, and the traders have overtraded. What has stimulated to all this is the inordinate hastening to be rich. I will not stop to inquire whether this overtrading has been occasioned exclusively by an overissue of paper money, from reduced supply, or speculative demand for various commodities, believing as I do that the first and last of these causes have operated jointly in producing the present embarrassment. For the first, there is no remedy but the partial one of reducing and reforming the currency. I may be asked, if, as you suppose, the Government is free from the sin of producing the evils under which the country now labors, what is the remedy for relieving them? I answer, that the remedy is mainly to be found in the industry and economy of the people. So far as the Government can indirectly relieve, by its action on the deposite banks, and the obligations of the importing merchants, it can go, and no further. But, in its action on these subjects, its relief will reach the remotest ramifications of society. It has been well said, that the mercantile community pervades the remotest portion of the body politic. If this be so, and none can deny it, relief to the importers will be felt by the humblest and remotest citizen of this great republic to whom mercantile credit has been extended. And, although indulgence to the suspended deposite banks will not reach to so wide an extent, it will relieve those who stand in the greatest need of relief. Thus, the passage of the bills to extend indulgence on duty bonds, and to give time to the banks gradually to call in their dues from their debtors, will extend relief to a number of our embarrassed fellow-citizens, which no one is able to estimate. And here I may be permitted to reply to the remarks of my honorable friend from South Carolina, in which he endeavored to contrast the conduct of the British Government, in 1797, in a period of commercial distress, with that of his own Government, in this season of pressure and embarrassment. My honorable friend told us that the pressure in Great Britain was relieved, at the period referred to, by the issue of no more than twelve millions of exchequer bills. And if he has attended to the state of the money market at New York, he must know that it has been decidedly improved even by the passage of the bills which have come down from the Senate, especially those giving indulgence on duty bonds, and authorizing the issue of Treasury notes, especially the latter. How, then, can he extol the British Government and condemn his own for adopting a measure of the same character? What distinction can be drawn between exchequer bills in the one case and Treasury notes in the other, in their effects, I am at a loss to discover. I pass over the question whether or not there is or soon will be a deficit in the Treasury. To me it seems to be a question on which there can be but one opinion: that there is such a deficit, and that it can only be met by using the credit of the Government. Whether it is best to use it in the form of Treasu-

ry notes, or by authorizing a loan in the ordinary way, is a matter of indifference, as it respects the obligations which will be contracted by the Government. Nor am I sufficiently versed in questions of finance to say which will be the preferable mode. But, to my mind, the most immediate and direct is the course best suited to the present wants of the Government, and that is to issue Treasury notes. Nor can it be of any very great consequence whether they are hoarded or go into general circulation. In either case, they will displace an equal amount of the present circulating medium, driving it out of or into circulation, as they may be laid up or otherwise; and if we may be permitted to look forward to their final effect, they will contribute, at no distant day, most materially to restore a sound currency. Situated as I was during the discussion of the bill to postpone the fourth instalment of deposite with the States, connected as it is with the the bills yet to be disposed of, I may be permitted, in the latitude given to the debate, to say a word or two upon it.

The period of making that deposite was at hand; the Treasury had not the means of making it, nor could they be commanded without creating a public debt. Thus necessarily arose the question, whether Congress had the power to tax the people to enable it to raise a fund to deposite in the treasuries of the States. To my mind, the answer was clear, that the constitution had conferred no such power upon us. If it had, the policy might well be doubted of taxing the people with one hand, and returning the money so raised with the other, by which they would receive it with the loss of the expense of collecting, and the interest for the time intervening between the collection and transfer, subject to the serious objection that it would never, it could never, be equitably returned to those from whom it had been collected.

I have already adverted to the causes which led to the present embarrassments of the country—the overbanking and overtrading which have characterized its business transactions for the last two or three years. But as these were the remote, what was the efficient or proximate cause of the present revulsion both in Great Britain and America? I answer, the course adopted by the Bank of England when called upon to prop the falling credit of American houses, so called, but English bankers, who had gone enormously beyond their means in the acceptance of drafts from this country for which the owners had furnished no fund of redemption whatsoever. That measure of the bank not only destroyed for the time the credit of the owners of the bills referred to, but shook American credit to its foundation, and resulted in the immediate and ruinous fall in the price of the great staple of our country, by which the means of American merchants were reduced to almost one-half the amount of their value at the time their debts were contracted. This being the fact, which none can question, is it wonderful that consternation and ruin spread over the land? If any one can doubt the effect of that measure of the bank, in applying the match which has produced this mighty explosion, he is a much greater sceptic than I am. If any other proof were wanting besides open and apparent connexion of the cause and its effect, it will be found in the existing state of the money market in Great Britain. Shortly after the Bank of England had, intentionally or unintentionally I shall not stop to inquire, knocked down the price of cotton, she came forward to sustain the private bankers who had involved themselves by their American acceptances; the London money market became easy, and we are now told that money is a drug there, and can be obtained on unquestionable security for three and half per cent. per annum, and probably much lower. Thus am I sustained in the assertion that the immediate and efficient cause of the present pecuniary condition of this country, was the conduct of the Bank of England towards the British acceptors of American bills of exchange, and the fall of cotton, which was produced by it. Panic, then, on the part of that bank, or a motive so much worse that I will no impute it, was the match that lighted up this tremendous explosion. Nor was a similar course in this country without its instrumentality, if we have been correctly informed—that from first to last there were millions of idle capital in New York, Boston, and other cities, which remained idle for want of that confidence between man and man, which is the life-blood of credit in every country in the world. I have already stated what measures might, and as I supposed would, be adopted by Congress for the relief of the country in the present extraordinary emergency: extension of time on duty bonds, and reasonable indulgence to the suspended deposite banks.

But can no measures be adopted as preventives against the recurrence of a similar calamity? I think there can; and that they are to be found, not in the charter of a national bank, but in the measures proposed for ultimately collecting the public dues in the only medium recognised by the constitution as money, and in changing the mode of keeping the public revenue. But I may be asked, why not establish a national bank? I answer, first, not only because the constitution confers no power to do so, either in terms or by rational inference, but its history forbids the implication of it in the fact that the federal convention was asked to confer it, and it refused peremptorily to do so. I will not so far insult the committee as to go over the argument to show how far any doubt arising upon the face of an instrument is to be settled by a reference to its history. In the next place I answer, that if the power had been explicitly granted in the constitution, it would be inexpedient to exercise it. It would be inexpedient, first, because the whole history of the late national bank, and its successor, the United States Bank of Pennsylvania, conclusively shows, that it cannot, or it will not, prevent overbanking, and consequent overtrading, through the instrumentality of the local banks.

New as I may be to public affairs, I have not forgotten the history of the commercial embarrassment which reached its acme in 1819, less than three years from the time when the United States Bank, established avowedly to prevent the future recurrence of excessive local bank circulation, had gone into operation; an embarrassment occasioned by the same spirit of reckless adventure in public lands, and every thing else that could be made the subject of speculation, which characterized the money transactions of the country in 1835 and 1836. If there are any here too young to remember, or who have been too indolent to acquire, information upon that subject, it is sufficient to point them to the impotence of the Pennsylvania Bank of the United States, avowed by its president within two short years to be stronger than its predecessor, to ward off such a calamity. It is true, that when its suspension was announced in May last, its presiding officer informed the country that if it had consulted its own strength, that suspension would not have been necessary.

But, if the fact was as he stated, how much worse was that act than it has been characterized by a distinguished individual to whom the declaration was made let an insulted and injured people decide. If it was true, there are no terms of condemnation known to human language strong enough to express the execration which it merits.

But there is another, and, to my mind, equally strong, or stronger, if possible, objection to the establishment of a national bank. It is the political character assumed by the late bank, especially when coupled with its foreign connexions. To the employment of foreign capital, wielded by American hands, directed by American hearts, in furtherance of objects of public or private enterprise, I make no objection. But I protest most solemnly against permitting in its use the shadow of foreign control or direction.

The late Bank of the United States was believed to have been influenced in its political course by foreign stockholders, not only having no sympathy with our political institutions, but hostile to them. If it was so—and of the fact there can be little or no doubt—how much closer is the connexion of its successor with foreigners, how much more powerful will be their influence over it, let recent facts, showing the establishment of its agencies in Liverpool and London, attest. Let me not be answered that a national bank is advocated. I am not to be misled by such a declaration, from my firm conviction that the war upon the late and present administrations of this Government was and is waged for the revival of the Bank of the United States.

Having shown, as I think, that such an institution is not only unconstitutional, but dangerous to the constitution itself, I come to the measures which, in my judgment, are best calculated to save the country, so far as our legislation can save it, from future revulsion and embarrassment; and here I take occasion to say, that no free Government can so legislate as entirely to prevent their recurrence. But, before proceeding to consider the measures referred to, I may be permitted to state one other objection to the establishment of a national bank: it is the clearly and strongly expressed decision of the people against it.

In discussing the measures most likely so to check and control the local banks, as to restrain their issues within safe and proper limits, I will first consider the proposition to require all payments to the Government to be ultimately made in the constitutional coin of the country, and in that only. It has been said by gentlemen opposed to this, what they call innovation, that it is calculated and intended to destroy the system of credit upon which this country has reached its present elevated rank among the nations of the world. But in what manner can it effect such a result? Is any member of this committee prepared to permit the debts due to the Government to be discharged in irredeemable and inconvertible paper? If not, who can entertain a reasonable objection to requiring their payment, not in promises, but money?

Where would be the difference between the payment of coin or bank notes, convertible into it at the will of the holder, in its effect upon the interest of the banks? If they should be always ready, as they certainly should be, to redeem their notes at the will of the holder, what hardship can there be in requiring that the Government debtor shall so convert them without making it necessary that it should be done by the collecting officers of the Government? It may be said that, as it would only be a question of convenience between private individuals and the collecting officers, the convenience of the community should always be preferred. But, upon a closer examination, it will be found that, even upon this point, there is no equality whatsoever. The collecting agents of the Government may be engaged, and in the large importing cities will certainly be almost constantly, in receiving money for the Government; therefore it is much more reasonable that individuals should convert their bank notes into specie before making payment to the collecting agents of the Government, than that the whole burden should fall upon these agents. But I apprehend, that to require payment to the Government in coin, in every instance, will have a salutary influence upon specie paying banks, so called, in restraining imprudent issues of paper by them. That no injustice would be done either to individuals or the banks, upon the principle that all bank paper shall be convertible into specie, by the adoption of the scheme proposed, is, to my mind, as clear and conclusive as mathematical demonstration could make it. But we have heard it said by the opponents of this measure, who are alike the opponents of the late and present administrations, with, perhaps, occasional exceptions, that by this scheme we should create one currency for the Government and another for the people. But how such an objection can be sustained I cannot imagine. Gentlemen, in making it, would seem to confound the present condition of bank paper with what would be widely different, if it possessed the supposed convertibility, the only element which can entitle it to the character of money. If the operation of the system of specie payments should be such as to bring back the banks to the fair and proper redemption of their notes, I would ask in what essential particular would the one currency differ from the other? In fact, the whole currency of the country would then consist of specie or credits equivalent: a result which would do more to prevent the indulgence of rash and ruinous speculation, than any other measure the Government could adopt short of the entire destruction of that system of commercial credit which, properly controlled by prudent foresight and economy, is so essential to the maintainance of our national and individual prosperity. If I have been so fortunate as to make my meaning understood, I think I have shown that the scheme proposed would establish a currency of equal value to the Government and the people, and such an one as would lay the fabrick of our prosperity on foundations too stable ever to be again shaken down by such revulsions as have occurred, at least on two occasions, within less than the last twenty years.

In the discussion which has taken place upon the various propositions presented by the Committee of Ways and Means, in conformity to Executive recommendation, we have heard much about taking care of the Government and neglecting the people. What, sir, is the Government? It is but an agency constituted by the people themselves, for the promotion of their own prosperity and happiness. And what, I would ask, is desired in the measures proposed for the relief of the Government, but to give it the means of carrying out the will of the people? To my mind, it is the idlest of all clamors to say, that, because we intend to place the Government in a condition to execute the purpose of its creation, that purpose being to secure the public prosperity and happiness, we are providing for the Government, as something distinct from, and opposed to, the interests of the people.

The last particular topic upon which I desire to offer a few observations to the consideration of the committee, is the mode proposed for the safe-keeping of the public revenue. And what is that mode, stripped of all the mystery and disguise which has been attempted to be thrown around it, by the incessant outcry of exchequer banks, Treasury bank, sub-Treasury system, and all the et ceteras gentlemen have applied to it? Nothing more nor less than the plain republican, unsophisticated scheme of requiring the receivers of the public revenue to be answerable for its safe-keeping. What feature of a bank can it be possibly supposed to possess? It is not contemplated to authorize the issue of paper of any kind as the mere representative of the money so deposited for safe-keeping.

All that is intended, beyond the payment of money, upon properly authorized drafts from the Treasury, to the public creditors, is the occasional transfer of it, as circumstances may require, from one place to another, for the disbursements of the Government. It is not, therefore—it cannot in any sense be so considered—a bank of any sort whatever.

What, then, are the objections to it? That it will increase the patronage of the Government, by the increase of public officers, and the additional expenditure necessary for their compensation; that the money will be unsafe in the custody of the public officers; and that it will open the door to the corrupt influence of the Executive, and may lead to the establishment of an odious despotism upon the ruins of the constitution. The very decisive vote which has been recently given, here and elsewhere, on the sub-

ject of a national bank, renders it unnecessary for me to discuss its merit as a public depository. The only comparison which it is then necessary to institute is, between the system pursued and a return to the employment of the local banks. Nor does it seem material to carry that comparison further than the consideration of the objections just stated to the placing the custody of the revenue in the hands of the collecting officers of the Government. So far as I have heard, no one is willing to restore the revenue to the custody of the banks, upon any other principle than as a special deposite, not to be used by them for any purpose, and to be paid over to the orders of the Treasury whenever it may be required.

Nor is it proposed, so far as I have understood, to ask the banks to perform this service without just compensation. What compensation, I would ask, do gentlemen suppose they would require for such service, including the risk of safely keeping the public money?

I know but little of banking transactions, but have little doubt the service required would not be performed by them for less than one per centum upon the money committed to their charge. Taking, then, the public revenue at twenty millions per annum, and the cost of its custody would be two hundred thousand dollars.

But, that I may be within the rate which must be conceded by every one as low enough, I will fix it at one-half of one per cent., and the annual expense will be one hundred thousand dollars; a sum larger by forty thousand dollars than the sum estimated by the Secretary of the Treasury, if it shall be committed to the collecting agents of the Government. On the score of economy, therefore, the calculation is decidedly in favor of the system proposed.

But to the question of patronage. How much will Executive patronage be increased by the appointment of a small additional number of clerks in some half a dozen cities or less in this Union? So far from being increased, it will be lessened in comparison with the numerous banks which would seek the custody of the public money, and to which it would be committed, the compensation being made an object to them, and without it they would not assume the responsibility, by a President desirous to establish the reign of influence and corruption. It may be answered, that there would be less danger of a corrupt use of the public money, if placed in the keeping of the banks, than in the hands of public officers. For my part, I cannot perceive the force of such an objection. Is it said that there is danger of servility on account of dependence of public agents upon the Executive for their offices? The question is then resolved into a question of money, and as that reduces the objection against the public officers and the bank to the same principle, it is unworthy of further consideration. But, it may be said that the chances of Executive corruption will be increased by the greater facility of obtaining money from public officers than from the banks. To this, I answer, that there can be no possible difference in the matter. The same checks and control exist in the one case as the other. And the banks are as much bound to answer the drafts of the public Treasury, as the public officers could be, and would as readily answer them. Human nature is essentially the same under equal circumstances, and the officers of banks would be quite as likely to act under the influence of temptation to execute a corrupt Executive will, sufficient inducements being offered, as would the collecting officers of the Government. I come now to the only remaining question—the question of the safety of the public revenue under the system proposed. And in discussing this question, I must be permitted to inquire, what magic is imparted by an act of incorporation, by which the honesty of men becomes so purified and refined, that they are placed above the ordinary level of their race? If the homely proverb of an English lawyer of former days be true, corporation morality has nothing to boast of when compared with that of individuals. But it is said that, allowing that public collecting officers are generally as honest as the officers of banks, yet the stock of the latter furnishes better security than an individual can offer. On this point I am at issue with the objector, and say that the public officer will be able to make the Government as secure as the banks.

But, if it were allowed that occasional default might be the consequence of confiding the custody of the public money to the collecting officers, how long would it be before it would amount to the loss and inconvenience already experienced by employing the banks, and receiving bank paper in payment for public lands before the system of cash payments was adopted, or the inconvenience already experienced within the last five months, not to say—for yet it cannot be said—what losses may in the end be sustained in the debts now due by the late deposite banks?

When Mr. Haynes had taken his seat—

Mr. CALHOUN, of Mass., rose and said: An attempt had been made during the discussions of this session to give to the financial system of this country a new character, an impression of novelty, an air of mystification. Gentlemen who had taken a prominent part in the discussions in this hall and elsewhere, had spoken of an extraordinary crisis in the monetary affairs of the age, a development of principles hitherto unknown or not acted upon, of a great financial theorem or issue of modern times.

This pretension seems to me (said Mr. C.) to be an arrogant one, if honestly believed; and, if not, to be intended solely to cover over some most singular changes of opinion. Whatever may be the truth in this regard, certainly these assumptions have their origin in an undue fondness for theorizing and speculating. I have no antipathy to a spirit of this kind, if kept within proper bounds, and applied to suitable objects. In all that can contribute to human happiness, or that may tend to elevate the mass of mankind, I have the strongest sympathy with those who are philanthropically engaged in pointing out a new and better way, and for the abundant reason that they are giving their thoughts to what, unfortunately, does not attract the universal or even general interest of our race.

But, in reference to subjects which are of every day concern, which enter into the constant business of existence, and which form an essential and prominent feature in all the aims and objects of the industry of our country, I cannot but look upon this undue attachment to theory as a sore evil. The subject of finance is peculiarly practical, and minds of a practical cast are almost the only ones that master its details, and meet with success in its pursuit. Whatever pertains to the finances of the country, to its business, and its currency, is better, far better understood by men whose lives are devoted to that business, by men of large and long-earned experience, than by any mere politicians, however ingeniously or adroitly they may theorize. And certain it is that, in this country, and in every country where civilization and intelligence have left their mark, the wisest, profoundest, and most successful statesmen have been those who, in their financial systems, have drawn most extensively upon the resources and experience of men of practical business.

The mingling of matters of business and of financial institutions with partisan politics I look upon as the curse—the very evil genius of our country. It is this which lies at the bottom of all our troubles and distresses as a people, and which causes the administration of the Government to be so loudly and emphatically complained against. So long as the politicians continue to drag the business of the country within the vortex of politics, and to make it tributary to their own personal aggrandizement, to their own unpatriotic objects, so long will derangement and distraction reign in both.

We were yesterday asked quite imposingly by the gen-

tleman from Virginia, [Mr. Hunter,] why not carry that system of analysis and induction into finance, which has been brought to bear so successfully upon science generally? I have given, I think, the true answer: finance is essentially practical; in all its operations analysis and induction are necessarily and incessantly at work.

With such views, I find no difficulty in determining where to look for guidance and direction in all questions connected with currency and business. There is no safety but in the lessons of past experience. And what is the voice which the experience of our country utters upon this important subject? If we examine our past history, we shall find that our financial system has, for the most part, uniformly worked well; and that nearly all our derangements and embarrassments have arisen from the obtrusive interference of politics and politicians. Legislation has always been necessary in order to give the country a suitable currency. When this has been effected, and the currency has been suffered to take its own course, and to be regulated by the usages and laws of trade practically established, and always understood by business men, nothing has ever interfered with or interrupted the steady progress of both currency and business, but some event, rarely occurring, extraordinary in its character and overwhelming and controlling in its influence. In the conflicts of our neutrality with foreign aggression; in the restrictions upon our commerce; and in the measure of war, which form a part of our past history, we find examples of such events. Aside from these, our prosperity has been uniform, except when checked by occasional and short-lived overaction. This latter is a state of things not of very frequent occurrence, which usually subsides rapidly under the unfailing operations of the laws of trade and the principles of a just political economy. With these exceptions, I repeat the important lesson derived from our past experience, that all our troubles and annoyances have originated in the unhallowed connexion of politics and business, for purposes of momentary triumph to the former, and with disaster to the latter.

We come to the great question which runs through the discussion of all the measures proposed to us at this extraordinary session. What is the cause of the embarrassments which have now so long afflicted the country?

We are told by the President, in his recent message, that the true cause is overaction. I object to this position, that, instead of being the assignment of a cause, it is simply a statement of the fact in another form. The country has suffered, and is still suffering, from overaction; that is, from overtrading and overspeculating. And the only question which can sensibly be asked or answered is, what has caused this overaction; to what is it attributable? Are we to seek its origin in the abandonment of those wholesome laws of trade, to which I have already referred, by the practical and sagacious business-men of the community, or is it to be found in the measures of the administration affecting the national currency? What induced the hordes of anxious speculators to precipitate themselves upon the great public domain of the West? What induced another class of adventurers to take advantage of the boon proposed by the Government, in the extraordinary, and, in some cases, most indecorous and servile scramble for the public moneys? What induced the unusual increase of banks, on a sudden, and in defiance of that cautious policy which had so long characterized the country in the asking and granting of bank charters? What induced the general rush into the business of trade and commerce, and the undue importation of foreign commodities? What induced the anomaly which we have all witnessed and wondered at—an extravagant demand for every thing, at extravagantly high prices, and money at the highest and most ruinous rates?

Unless the true cause can be ascertained for the evils which have so long disturbed the prosperity and deranged the business of the country, it is obvious that those evils cannot be remedied effectually and permanently. If simple overtrading be the cause, that has not unfrequently occurred, and has always readily yielded to the suggestions of prudence and ordinary sagacity. Indeed, overtrading never causes more than temporary embarrassment. If nothing affected our general system now but mere overtrading; if our financial system were not radically and deeply disordered, the discontents and distresses of the country would long ere this have passed away No one has the assurance to assert a pretension of this kind.

Under the operation of a bad, disjointed, dislocated financial system, permanent prosperity cannot revisit the country. An apposite illustration of what I deem to be the truths now laid down may be seen in the present condition of England, to which reference is made in the President's message.

The President looks upon the state of things as substantially the same in both countries. "The causes of the revulsion in both countries have been substantially the same." Such is the language of the message. But, by a singular fatality, the President ventures to express a truth, within the compass of the same paragraph, which effectually overturns the fancied analogy in the causes of the revulsion in the two countries. "The most material difference," (I quote the words of the message,) "between the results in the two countries has only been, that with us there has also occurred an extensive derangement in the fiscal affairs of the Federal and State Governments, occasioned by the suspension of specie payment by the banks." Why did not the President carry his thoughts one step farther; why did he not see that the causes which led to this suspension of specie payment, thereby producing the acknowledged "derangement in the fiscal affairs" of this country, constitute absolutely the whole that is material to the subject, and the whole difference between the revulsion here and that in England? The monetary system in England has not, as a system, been affected at all. Here the monetary system has been changed entirely. Or rather, to speak more accurately, here we have been shifted from one system to another—upon the explosion of one experiment, betaking ourselves to another—until we have at last arrived at the proposition immediately before us, the sub-Treasury or divorce bill, under which we are to dispense with all system. This is what is vaunted before us as the great theorem or issue of modern times.

But, if the revulsion in England and in our own country had been, as supposed by the President, substantially the same, how happens it that, whilst he was busied in penning his message, the revulsion in England should have subsided, and business have resumed its place? That such is the fact, all accounts now agree. And no well-informed person can hesitate as to the cause of the embarrassments in England, growing, as they notoriously did, out of the connexion with American trade. The President, indeed, avers in the message, "that the issues of paper credits put in circulation in England by banks and in other ways during the years 1834, 1835, and 1836, will show an augmentation of the paper currency there, as much disproportioned to the real wants of trade as in the United States." But the President gives no authority for this opinion. And it conflicts most glaringly with official, and, therefore, authentic, statements, furnished by the Bank of England, and by all the other banks of every description, upon this subject. From these statements it appears that the whole amount of circulation of the kind referred to in the year 1834 was £28,568,000; in 1835, £28,519,000; and in 1836, £28,875,000; showing an increase of circulation, in the three years designated by the President, of only a little over three hundred thousand pounds; whilst, in this country, within the same period, the bills in circulation had increas-

ed forty-five millions; and the loans one hundred and thirty-four millions. The difference thus strongly marked between the two countries arises from the fact already stated; a fact which cannot be too often repeated—that in England the financial system has not been affected as a whole; whilst in this country the financial system has been absolutely overturned. And hence has arisen the difference in the results between the remedies applied in the two countries. If we apply to a disordered and revolutionized currency a remedy, as suggested by the President, applicable only to a state of overaction, it will turn out to be inefficacious. We already see that such a remedy is utterly inefficient. The disorder remains. The taint is upon us. How can successful business be resumed without a sound currency and a healthful system of exchanges? How can the country go on without the vigor of a permanent and accredited financial system?

The causes of the embarrassments of the country do then force themselves upon us in a way not to be resisted. They are written all around us in sunbeams. They are neither to be evaded nor escaped from. They are impressed upon the country in broad lines from end to end. Every man of business in the land bears the marks of them. At morning, noon, and night, when we lie down and when we rise up, they are ever and most disastrously present to us. They are distinctly traceable to the change, to the entire revolution, of which I have spoken, in our financial system. The bankruptcy of the Government, the bankruptcy of the country, lie at the door of the politicians, who, for their own sinister and selfish purposes, have brought that system, the currency and the business of the country, into the arena of political warfare. Here, in my estimation, is the root of the evil.

Look back at the experience of our past history, to which I have heretofore adverted, constituting the true test, in a special manner, of all financial changes. What do we learn in the pages that immediately precede those which are to record this new theorem of modern times, this entire disruption and scattering of a currency, which had carried the country along successfully and prosperously? I ask you, Mr. Chairman, to look back at the period of twelve years, which preceded the late administration, comprising the whole term of service of President Monroe, and that of my venerable colleague, [Mr. Adams.] In the year 1816, there were two hundred and forty-six banks, with a capital of nearly ninety millions of dollars, and a circulation of about sixty-eight millions. In 1820, there were 308 banks, with a capital, including the United States Bank, of one hundred and thirty-seven millions. In 1830, there were three hundred and thirty banks, with a capital of one hundred and forty-five millions, and a circulation of sixty-one millions. During the whole period, then, from 1816 to 1830, being fourteen years, there was an increase of eighty-four banks, with an increase of fifty-five millions of capital; of which thirty-five millions belonged to the United States Bank; but at the same time there was a diminution of circulation from sixty-eight down to sixty one millions.

Such was the state of the banking system under Mr. Monroe and Mr. Adams. At the commencement of this period there was great embarrassment all over the land, similar to that which now exists. In 1816, a national bank was chartered. In commencing the operations of that bank, there was much bad management, and the consequences were unfavorable to the business of the country: but these difficulties soon disappeared under the superior skill of new managers. And the whole period was marked by unusual commercial prosperity, although unfortunate cotton speculations, and the agitation of the tariff controversy, were distinctive features of it.

It is remarkable, too, that, during this period, no complaint whatever was uttered from any quarter against the currency or the banking system. The business of the country went on without interruption, except from occasional ill-judged speculations or overtrading, leaving no distinctive mark, except as matter of historical remembrance. In addition to this, and as confirmatory of it, another remark may be made, that the financial system was kept entirely detached from the politics of the country: the politicians interfered not at all with it; and its course was therefore an undisturbed one, answering the great purposes of all financial systems, benefiting the people, promoting industry, awakening well directed enterprise, and therefore reflecting credit upon the Government.

Immediately upon the close of the period embraced within the comments I have now submitted to the committee, a new order of things arose. The country was in a state of unequalled tranquillity in all its prominent interests. The excitements of party had been, and continued to be, animated and bristling: but the business of the country was successfully pursued in all its accustomed channels. But, with a new administration, new men had found their way into the public councils. Adventurers were numerous: the appetite for distinction, for office, but more especially for money, became unappeasable. Politicians rose up in myriads of swarms. If the present moment would not suffice to provide them with the claimed rewards and spoils of victory, the future was drawn upon; and partisanship scented its prey in every avenue and by-path that led to game to be run down. Thus was the field of political aspiration immensely widened. Within the great vortex of party politics were absorbed, one after another, all the great interests of the country. Nothing escaped that could by any possibility minister to the hopes or the cupidity of politicians. And thus was it that the business interests, the financial systems, the moneyed institutions, gradually and successively fell before the destroyer. Each and all surrendered, or were trodden down beneath the tread of the political war-horse. In this way was prostrated the United States Bank. For the purposes which I have now indicated to the committee, were the public moneys of the United States wrenched from their legal depository, and thrown down at the feet of the politicians.

These events, the first in that train of measures which have led to the existing embarrassments of the country, occurred about four years ago. Against these measures, in their inception, my venerable colleague [Mr. Adams] raised his warning voice. Intimately connected as he had been with the preceding policy of the country, well might his judgment be taken as oracular. Unfortunately, it was disregarded and set at naught.

And what was the progress, what were the consequences of these measures; especially of the transfer of the public moneys to the new league or coalition of State institutions? A general movement was made to obtain a share in the division and distribution. The appeals which were made to the Secretary of the Treasury, to be made "fiscal agents" of the Government, are many of them spread out upon our legislative records; and they evince, in too many instances, a cringing servility, at war with all just ideas of republican dignity and independence. The removal was effected under the dictation of that extraordinary man who has but recently descended from the Presidency. The public moneys were distributed throughout the country; and, under the repeated injunctions of the Treasury Department, founded upon the instructions of the President, which I shall not stop to collate or refer to more particularly, the chosen banks were directed to use those moneys for the public accommodation in every variety of way. And so were they used; they were carried into every branch of business, regular and speculative. They were absorbed in the speculations in the public lands; they formed the nucleus for the erection of new banks; they were sought after with avidity by partisans; they found their way wherever money can go, and for all purposes to

which money can be applied. In the general scramble for the means of speculation, bank rose into existence upon bank, and incredible was the rapidity with which these moneys performed their circuit through the routine of banks, land offices, and the counters of the receivers.

And what is the exhibit which sober and undisputed facts present to us, of the state of our financial affairs within seven years from the close of the period of which I have already given an account? The report of the Secretary of the Treasury has been placed before us, furnishing an ample view of the banking institutions of the country up to December, 1836. From that report, we learn that at the latest period to which the report is brought down, there were 823 banks in the country, including 146 branches; and that the capital amounted to more than three hundred and seventy-eight millions; and the circulation to more than one hundred and eighty-five millions. Here is an increase, in a little less than seven years, of nearly five hundred banks—of more than two hundred and thirty-three millions of capital—and of more than one hundred and twenty-four millions of circulation. There are now considerably more than twice as many banks as there were in 1830, nearly three times as much capital, and more than three times as much circulation.

This increase of banking facilities, for which it would be difficult if not impossible to find a parallel, commenced immediately after the first attack upon the old and long-accredited financial system of the country. But the larger growth of this rank crop of banks was subsequent to that revolutionary measure, the removal of the deposites. The banking capital created within the last seven years is greater than all the banking capital created during the whole anterior period of our history. How could such a state of inflation and excess long exist without being felt through every part and parcel of the business of the country? Shall we be amused with speculative notions about overtrading, when an exhibit like this is staring us in the face? If the President wishes for an example of the overaction of which he speaks in his meassage, here it is—the concomitant and consequence of that fatal measure, the transfer of the public funds, to which he gave his strenuous counsels and advice. If overaction, overtrading, overspeculation ever existed, they are to be found in this inflated, overcharged, and now exploded system of banking, which the counsels and instructions of the last and present administrations of the General Government substituted for the system which preceded it. I do not intend to say, or wish to be understood as implying, that this extraordinary course of measures was entered upon with a view to the result now manifested. It is unnecessary to take this ground, could it be maintained. I impeach not motives. I inquire for facts. With these facts, well authenticated, I go wherever truth will lead me. No one, it seems to me, can shut his eyes upon the fact, the pre-eminent fact, that here, in this inordinate stimulus to banking—this furnishing of means without stint, limitation, or caution—is to be found the cause of the excesses which have been indulged in; of the overaction which has gorged every channel of business; and of the disasters which have bowed down the country under a yoke too heavy to be borne.

A member from Ohio [Mr. Hamer] has said that the foreign debt, which he estimates at thirty millions, together with the distribution of the surplus revenue, are, in his view, the true causes of the troubles which have afflicted the country. And he asks, with an air of triumph, did General Jackson, did Mr. Van Buren, did the friends of the past or present administration, either or all of them, induce that debt to be incurred? I answer, unhesitatingly, because I answer upon the solid foundation of facts, they did, each and all of them. Has that gentleman examined the course, the progress of that debt? I apprehend, if he had done so, he would have discovered some facts sufficient to lead him to doubt the policy of some measures of the last few years, to which he has given, if I mistake not, his vigorous aid. During the year in which the celebrated tariff compromise bill was adopted, the imports of free goods into the United States amounted to about sixteen millions of dollars. According to the last annual report of the Secretary of the Treasury, giving statements of the commerce and navigation of the country for the last year, the amount of free goods imported had risen in their estimated value to more than ninety-two millions of dollars. During the same year the whole imports of every description amounted to nearly one hundred and ninety millions of dollars. The import of goods "free of duty," therefore, was equal, very nearly, to one-half of the whole importation of the year; and the difference between the imports and exports was over sixty-one millions—the balance of the former over the latter.

Now, how will the gentleman from Ohio account for this extraordinary increase of goods imported "free of duty," within the short period of about three years, upon any other ground than that of the incessant attacks which have been annually made upon the compromise bill? It has been the policy of the administration to take off the duties from all goods, the importation of which, it was supposed, would not directly interfere with the products of American industry. But the indirect interference does not seem to have been cared for. This has induced the importer to glut the American market with cheap foreign fabrics and products: and the direct attacks which have been made upon the system, from year to year, have had a tendency at the same time to paralyze our own manufacturers. And then, striking in unfortunately with this policy, there has been the extraordinary facility for obtaining means and credit to carry on the foreign trade, since the removal of the deposites: for since that event it is that the principal part of the enormous increase of free goods imported has taken place. I repeat, then, that the foreign debt has been incurred under the inducements held forth by this incautious policy of the administration. And thus it is that the overtrading of the merchants, about which so much has been said, and so vaguely said too, lies at the door of the past and present administrations, and is traceable, with great directness, to the breaking up of our old financial system.

I find myself fully sustained in the view which an adherence to facts compels me to take of the causes of the existing disasters, by a recurrence to a very absorbing and interesting topic—the sales of the public lands. For a considerable number of years anterior to the removal of the deposites, the income accruing from the sales of the national domain averaged, annually, not more than two millions of dollars. Immediately upon the great change effected by that extraordinary measure of General Jackson, we find a rapid and startling increase in those sales; so that, in the three years following that event, the increase from this source amounted on an average to fifteen millions a year. In the year 1836, the amount was considerably over twenty millions. The proceeds of the sales during the period which intervened between the removal of the deposites and another great event, the distribution of the surplus revenue among the States, were more than equivalent to the whole amount set apart for deposite under the provision of the distribution act.

The committee will see, therefore, that but for the impulse which was given to the spirit of speculation by the transfer of the public funds from their legal depository to those points from which money accommodations were advisedly urged upon the public, no surplus revenue would have accrued for distribution. But as soon as the public funds were withdrawn from the influence of that financial system which, through all the reverses consequent upon overtrading and overspeculating, had kept the machinery

of business steady and well-ordered, a revolution followed which disjointed every thing, diverting business from its fixed orbit, and giving a wild and erratic play to that headlong mania for speculation, which absorbed all and controlled all, until itself finally exploded. Nor is it to be concealed, nor can it be denied, because the records of this House bear the proof, that the politicians, the partisans, were most eager, most importunate in pursuit of those means of speculation.

Nor can it be irrelevant here to remind some members of the committee, especially the gentleman [Mr. Pickens, of S. C.] who opened the debate upon the bill immediately before us with so much earnestness and vehemence, that, from the statement I have now made, it follows, most conclusively, that the tariff system is not to be held accountable or chargeable as the cause of the extraordinary surplus, so universally and so justly deplored. Such an opinion has been advanced, over and over again, and is relied upon as furnishing a stable reason for frittering away, in detail, the good effects contemplated by the celebrated compromise. I have already commented upon the facts, which show indisputably the impolicy of the attempt to interfere with the just operation of that compromise. That impolicy is still more convincingly manifested by the facts, now presented to the committee, which point to the true origin of the surplus revenue. The public domain has been the great field of speculation; and the excessive banking, consequent upon the removal of the deposites, and principally warmed into existence by that measure, has poured forth the overshadowing means by which that speculation was conducted.

I am still further fortified in the position I have taken, and the opinions I entertain concerning the causes of the embarrassments of the country, by a consideration of the effects of the immense importations of specie, which have been the theme of so much self-glorification. It is unnecessary here to inquire into the necessity for an ample specie basis for the circulating medium of the country. Such a basis is indispensable, and never can, without criminal neglect, be overlooked by any prudent and watchful administration of the Government. But the idea of forcing a circulation of specie in any one country, whilst the supply of the precious metals for all is extremely limited, cannot be sustained for a moment upon any sound notions of public economy. A circumscribed medium exclusively of specie may be imposed, and carried out perhaps, but it must be at the risk of sacrificing or overturning the great business interests of the country, and of throwing the limited business that may remain into the hands of a monopolizing few.

The excessive importations of specie by the last administration, at a time when the balance of trade was largely against us, and a very large foreign debt was outstanding, militated most strikingly against all the acknowledged laws of trade. And this, in connexion with the Treasury order or specie circular, as it has usually been termed, hastened the approach of that financial crisis, which, without the powerful and electric aid of these causes, might have been longer postponed, but, in all probability, could have been avoided. The drain of specie from the East deeply affected all the operations of business which are there concentrated; and the fountains of our whole system were thus broken up. Vast as have been the importations of specie from abroad, did that specie enter into the circulation of the country? Were the promises concerning it at all fulfilled? Have not those promises long been the by-word and jest of the scorner? And are not the precious metals banished from among us so far as the purposes of circulation are concerned?

This was most certainly true long before the crisis arrived. Instead of enlarging the circulating medium of the country in any essential degree, the imported specie was employed most extensively in forming the basis of new and increased banking operations. And thus, what was probably well intended theoretically by the Government, operated to defeat the very object which the Government professed to have in view. We are not to forget, however, that this very rage for banking, which in this manner so sadly crossed the path of the late administration, grew up under the fostering and nurturing of its own measures. In this fact we have an illustration, that ought not to be lost upon us, of the extreme hazard which is always incurred by a violent and uncalled-for interfence with a subject so sensitive and delicate as the currency of a country.

I have now gone through, succinctly, the consideration I intended of the causes which have conspired to bring the country to its present disastrous condition. I am unable to avoid the conclusion—to my mind it is as ready as it is irresistible—that these causes have led directly to that overaction, which is the genuine manifestation or development of the disease with which the country is afflicted. And what has been the result? What has been the winding up of that long train of measures, violently entered upon, and energetically pursued, which must, in all time to come, hold up Andrew Jackson to the country as no ordinary man? The result is stamped upon the country in deep and broad traces. The winding up of this experiment of a new and better currency has ingulfed Government and people in one common bankruptcy. The causes, of which I have spoken, opened throughout the land a boundless field of credit, accessible through myriads of avenues to the lowest and obscurest spots. Every description of business felt the effects of this overshadowing credit—to such a degree, indeed, that, during the period to which I have referred, the amount of all kinds of transactions has been estimated to transcend five hundred millions of dollars. And when, at length, the experiment ran out, and the catastrophe came, the country was found, and still remains, with its commerce prostrated, industry at a stand, the banks unable to redeem their bills, and the Government rich only in unavailable means.

The Government and the people being thus alike embarrassed and paralyzed, it would seem to be the dictate of ordinary wisdom that they should make common cause, and breast themselves together against the storm. Especially would it very naturally be expected of the Government that they should not abandon the people, and seek to find refuge and safety for themselves alone. Their measures having prostrated both in a common calamity, the country had a right to look for peculiar favor in any contemplated schemes of relief. The measures which have brought about this deplorable state of things were never asked for by the people. They never petitioned for a change in the financial system of the country. They never even complained of the operation of that system. As far as their opinions and wishes can be gathered from the representations of their agents upon this floor, in this the House of the people, they were contented with things as they were. It is historically true, that all the remarkable and extraordinary measures on which I have commented, met, when proposed, the signal rebuke of the representatives of the people. The two measures most decisive, effective, and revolutionary in their character and tendency—the removal of the deposites, and the Treasury order, or specie circular—have never obtained any favor within these walls. They have been sustained, and the latter is still sustained, against the will of the people. Emphatically is this true, and not to be denied.

With what face, then, can the Government seek relief, to the exclusion of the great mass of the country? Why shall those who have devised, counselled, advocated, and adopted the measures which have resulted in a depreciated currency, be relieved from the inequalities of that currency; whilst the people, who, to say the least, have been

passive in regard to those measures, are left alone to reap and enjoy the harvest of their bitter fruits?

But it is said that two of the bills before us are specially intended for the relief of the country: the one authorizing a further postponement of payment upon duty bonds; and the other to adjust the remaining claims upon the late deposite banks. If there be relief in these bills, it is obvious to remark that it is extremely limited in its scope. But whose is the sole interest to be secured, if it can be secured, by these bills? Is it not the Government's? By pressing its debtors, the merchants and the Southwestern banks, the Government may lose all; by granting an extension of time, all may be saved.

The Committee of Ways and Means have reported three bills, in conformity with the recommendations of the Executive, and growing out of the relations of the Government to the disasters which have befallen the country. The first proposes to postpone the fourth instalment of deposite with the States; the second authorizes the issuing of ten millions of Treasury notes; the third is a bill to impose additional duties as depositaries on public officers. The operation of all these bills has distinct reference to the Government. The same committee also reported a resolution, declaring it "inexpedient to charter a national bank." I was debarred from the expression of my opinions upon this proposition, after having risen to address the House, by the operation of the previous question—that convenient piece of machinery to check debate, but applied so only in this the freest Government in the world. That proposition is one of the three connected with the great question of the currency, to which our attention has been directed. I voted against it distinctly upon the ground of its being bald and abstract in its terms. I voted against it upon another ground—because it negatived the only wishes or opinions which have come before us by petition from the people. We have the sub-Treasury scheme suggested to us by the President; we have a new modelling of the deposite bank system presented by a member from Virginia, [Mr. GARLAND.] The proposition for a national bank finds its way to us only through numerous and respectful petitions. I am unwilling to thrust aside unceremoniously a proposition to which the people have invited our attention. I should be unwilling to dispose of any scheme, even that of the sub-Treasury, in so summary a manner. I would receive and entertain all of them; I would reject no one, until it was laid before us in proper form and features, that we might examine it in its practical details, and judge of it with precision. I know not that I should vote for a bill to charter a national bank. I have no constitutional difficulties in regard to it; but I should seek to have it well guarded and secured at all points, especially, as far as possible, against the machinations of partisan politicians—the root, the fruitful source, as I verily believe, of all the troubles that afflict the country.

But, Mr. Chairman, the administration having determined to shape their policy, under the new and extraordinary circumstances of the country, with special reference to themselves and to their own distinct interests, let us look at the measures suggested for our consideration.

We have a bill to postpone the fourth instalment of the surplus revenue. I opposed that bill in the committee. I shall record my vote against it, in whatever shape it may come up. In the present condition of the country, the payment of that instalment, amounting to nearly ten millions of dollars, would operate to that extent advantageously to the people. I am unable to see the necessity for the postponement. I have carefully examined the report of the Secretary of the Treasury on the finances; I have examined all the subsidiary and "verified" statements that have been laid before us from various quarters. If the deficiency supposed by the Secretary were susceptible of clear proof, that proof ought to be on our tables. I have not seen it. If it exist, it can be shown by that which does not lie: it is a matter of figures. I shall not follow the steps of the gentlemen who have addressed the committee in this particular, by going into the details upon this subject. The task is irksome. I agree fully with most who have preceded me, that a clear case has not been made out by the Secretary. No one can doubt that the Treasury is in an embarrassed condition: the mismanagement of the finances and the disruption of our whole system could not but throw our exchequer into utter confusion. That is the evil under which we are laboring. Confusion reigns through every department of finance and business. Hence arises the unintelligible exhibit which has been made by the Secretary. In the deposite banks there remains a balance greater than the amount of the fourth instalment. Very many of the States could and would make an arrangement with those banks for their proportion of that instalment, which would be beneficial to the banks, satisfactory to the States, and tend to the relief of the Government. To those States which, from their relative position, could not enter into such arrangements, drafts, in the language of the Secretary, "drawn, but not yet paid, though payable," and therefore, in the view of the Government, equivalent to specie, would fully answer the purpose. In whatever light I regard this subject, it seems to me to be demanded, by every consideration that can enter into a sound and just policy, to pay over the fourth instalment to the States, even at the hazard of some inconvenience and even sacrifice.

The bill to authorize the issue of Treasury notes to the amount of ten millions I oppose; because I deem the proposition, if not unconstitutional according to the recently avowed opinion of General Jackson, certainly fraught with the greatest hazard, and of dangerous tendency as a money measure or experiment of the Government. It is a bad precedent to establish: it has once only been resorted to in the history of the past, and then in the extraordinary emergency of war. It is a scheme which furnishes too great facility for money making to any administration. It is a power too easy to be perverted; and the exercise of it is inconsistent with the simplicity of republican institutions. Surrender this power as a matter of ordinary legislation; connect with it the proposed system of sub-Treasuries, designating the kind of currency which the Government is to demand, and you fix upon the country at once a Treasury bank in its worst form. I cannot shut my eyes upon the suggestion which has been made in another branch by a distinguished and now willing advocate of all these measures, that the Government ought to provide for an emission of paper money, declaring his opinion at the same time that inconvertible paper does not constitute a suitable currency. I believe the same opinion has been avowed during the debate in this House. Such a proposition would carry us back at once to the old continental money: so monstrous a proposition shows most convincingly the dangerous career we have before us, in consequence of departing from a financial system that had been reared upon the foundation of a long and successful experience.

I have voted, sir, in favor of an amendment of the Treasury note bill, to authorize the Government to raise, by loan, such sum of money as the actual wants of the Treasury demanded. That is the mode of raising money which the constitution has designated. "Congress shall have power to borrow money on the credit of the United States." I see no reason for departing from this plain requisition of the constitution. I see every reason, in the avowed and obvious disposition of the Government to resort to experiments, why we should adhere strictly and guardedly to such a requisition. I repeat, sir, that I am willing to vote for any sum of money that shall be needed to relieve the Government from its embarrassments; but I am not willing to do so in any way but that which shall be clear, safe,

and in accordance with the letter and spirit of the constitution.

The sub-Treasury scheme, or bill imposing additional duties as depositaries on public officers, is confessedly the leading and distinguishing measure of the session. It has been characterized, and I think justly, as a proposition to detach the interests of the Government from those of the people; to give to the Government a "better currency," and to the people such a one as they shall feel willing, or be compelled, to content themselves with. This representation, I know, has been denounced, as if it were intentionally used as the watchword of party. Were it really such, I would freely join in the denunciation. But I look upon it as accurately descriptive of the bill. Such are the whole tenor and scope of it; and the only way in which, under the operation of this measure, there can be a community of interest and of feeling between Government and people will be by the universal adoption of the same scheme. When that event occurs, we shall have arrived at the much-talked-of age of an exclusive metallic currency. If this measure shall receive the sanction of Congress, and pass into the solemn form of a law, the conflict will be but commenced between the system to which the country has been accustomed from the earliest days of the republic, and that system which bears upon its front the baptismal name of "untried expedient." Is it plain to suppose that this whole people will quietly and unrepiningly witness the exhibition of their own servants in the undisputed enjoyment of a high privilege, and themselves excluded from all participation in it? A stormy and wrathful contest will arise, upon which, even as a fancy sketch, no patriot can look with composure. Sir, I cannot join in the crusade, which the adoption of this measure, as the settled policy of the Government, cannot but beat up against the long-standing order of things. I will not consent ruthlessly to pull down an ancient institution, until I can be convinced the substitute for it shall better answer the purpose. I am contented, nay, anxious to reform, where reform is necessary; but I cannot yield to what I feel confident must be the effect of this bill, if carried through to its outside purposes. I cannot agree to destroy.

This, then, is the stable and firm ground upon which I plant my opposition to this sub-Treasury scheme. Carried out into all its consequences, the effect of it must be, to change the framework of society; to revolutionize property and business; to reduce the former indefinitely and most essentially, and to withdraw the latter into the hands of the few; to circumscribe, and almost to obliterate the field for enterprise; to paralyze credit; to deaden the vigorous arm of industry; and, finally, and in one word, to give to wealth that ascendency which nothing but free competition can break down, and to make poverty hug its chains more closely. Whilst the tendency of this scheme must be to give superior and unjustifiable privileges to wealth in large accumulations, and necessarily to make the poor poorer, the blight and mildew of it must fall in a special manner upon that immense mass of our community, which, I would to God, were the one and only mass—the men of moderate property and of enterprise, chastened and well regulated.

Mr. Chairman, I will not dwell upon the numerous objections which are urged against this bill with great force as a matter of business. Its insecurity forms of itself an abundant reason why it should be distrusted and repudiated. The placing of public funds in the hands of individuals for safe-keeping or disbursement, leads the depositary into that temptation from which every prudent man should pray to be delivered. The importunities of friendship alone have, through this means, dragged down many an honest name to the dust. The field of such temptation should be hedged in as much as possible, not enlarged. Gentlemen have referred already to sad cases of defalcation from this source in several of the States. The Commonwealth from which I come is not without this stain upon its history. And what is the experience which the records of one department of this Government have recently furnished? Within the last eight or ten years, over eighteen hundred instances of defalcation are officially reported to have occurred in the Post Office Department. Who does not know that most or all of the motives in the way of temptation either do not operate at all, or to a very limited extent, in regard to funds entrusted to corporations? Sir, these are considerations which ought to address themselves with great seriousness to wise and discreet statesmen.

The necessary increase of Executive patronage is also a solid objection to this bill. Such patronage, operating upon the individual, is always dangerous. The state of public sentiment in this country points with singular significancy to the sober truth, that such patronage "has increased, is increasing, and ought to be diminished."

Mr. Chairman, I pass to the leading objection to this bill, which I am compelled to dispose of briefly, in consequence of our being very nearly at the last stage of the deliberations of the session. This bill denies in the face of the country the obligation on the part of the Government to furnish a sound system of currency and of domestic exchanges. The doctrines of the message upon this point are entirely new. But they are new, only because the Government, or rather the administration, instead of wisely retracing their steps, are determined to go on with their experiments; and surely it cannot be strange that these experiments should interfere with the provisions of the constitution as well as with the prosperity of the people. The administration, having resolved by this measure to detach their interests from those of the people, it necessarily follows that the interests of the people are not to be cared for or provided for. The constitution has declared that Congress shall have power to regulate commerce between the States. Congress has always heretofore made such provision, or attempted it, by establishing what has been deemed a sound currency, and with it, and dependent upon it, a healthful system of domestic exchanges. The opinions of all our statesmen, of all parties, from the foundation of the Government down to the present dynasty, have coincided upon this subject. And yet, we are now told that the Government might as well be called upon to convey the merchandise of its citizens from one point to another, as to regulate their internal commerce. Such are the absurdities to which we are reduced by a spirit of theorizing and a fondness for experiments. In support of these novel and unheard-of notions, the example of the States of Europe is referred to; and their usages are marshalled before us against an express provision of our constitution, and the unbroken practice of the Government and country. Sir, who and what are we, that we are thus called upon to abandon all our experience, every lesson of our history, and to lay ourselves down at the feet of the monopolists and autocrats of Europe? We differ from the whole of them, individually and collectively; and I desire to thank God that we do so. We stand upon the solid platform of free institutions; we live only in the free hope that is given to labor, and industry, and competition. We are a confederacy of sovereign and independent States—many in number—and differing in our local institutions, arrangements, and usages. And are we to be referred to the single and consolidated arm of power in the States of Europe for business examples and currency precedents? It is this peculiarity in our political fabric, which led the statesmen of the Revolution to make the provision in the constitution to which I have adverted; it is the same peculiarity, distinguishing us from all other States, which has led all our statesmen until now to conform to the wise forethought of those sages and patriots.

Sir, I will not trouble you by recurring to the opinions

of the older statesmen. I will only refresh your recollection by adverting to some of more recent date—to opinions that have been uttered within the last four years. What does Mr. Taney say in one of his reports concerning the State or deposite banks? This is his language: "They are providing a general currency at least as sound as that of the United States Bank, and will afford facilities to commerce and in the business of domestic exchange quite equal to any which the community heretofore enjoyed." Again, he uses strong language—language free from all doubt, when he declares of the same banks that "they are competent to perform all the services which the Government ought to require, and to afford all the facilities to the internal commerce and exchanges of the country, which have been claimed from the Bank of the United States."

I offer but one opinion more—that of the late President Jackson in that celebrated paper which was "read to the cabinet." Who will doubt the meaning of this passage: "It should also be enjoined upon any banks which may be employed, that it will be expected of them to facilitate domestic exchanges for the benefit of internal commerce."

These are excellent opinions; but they were most unfortunately applied, as our sad experience every day is showing us. They indicate the firm convictions of those who uttered them: and they correspond with all the opinions of past time upon the subject until now. Sir, the business of this great country cannot be carried on—it is monstrous to suppose it can be—without a sound, general currency, and a well-regulated system of domestic exchanges. These are indispensable. They are equally necessary to the man of large business and to the man of limited operations. Remittances are made by every class and almost by every individual in the community. How can they be made without a general and universally accredited currency? I declare to you, then, my unshaken conviction that the people will not countenance the system you propose in this bill. They will not consent to be cut off from these indispensable requisites of good business and healthful prosperity. They will not suffer their best interests to be sacrificed in order to gratify your unmanly attachment to impracticable experiments. They will demand of you, they are already demanding of you, that you retrace your steps.

Mr. Chairman, before concluding, I feel bound to notice some remarks which fell from the member from South Carolina, [Mr. Pickens,] who opened this debate. That gentleman thought proper to make an attack upon Northern labor, and, by way of retaliation upon "Northern Abolitionism," proclaims his intention to "retort the preaching of insurrection;" and the text which he takes is "the universal emancipation of Northern labor from Northern fraud and duplicity." He represents the banks and corporations of the North as engaged in "enslaving and subjecting the laboring class." And he, a slaveholder, proposes to erect the standard of insurrection, and to draw thereto the laborers of the North.

Does that gentleman understand what is meant by the labor of the North? Does he deem it an instrument which he can wield to carry out his purposes of sedition and insurrection? Let me tell the gentleman that the laboring classes of the North comprise the whole population of the North. The great rule of existence there is labor, and only labor. I would like very well to see that gentleman advancing upon the North with his insurrectionary intentions. It would gratify me much to see him at the head of his new-raised cohorts, with his banners floating upon the breeze, and, under the inspiration of martial music, marching forward "to preach the universal emancipation of Northern labor from Northern fraud and duplicity!" The holder of slaves at the South, preaching insurrection to the honest, intelligent, and independent laborers of the North! It would be an exhibition worthy to attract more than the gaze of curiosity.

Sir, the gentleman misunderstands the character of our institutions, the character of our people, the character of our labor. If he will come to the North, I will gladly introduce him to our farmers in their fields, to our mechanics at their benches, to our manufacturers at their looms. He will find them a body of men able and ready to explain to him what is meant by Northern labor, and what is the character of Northern institutions. He will find them full of general intelligence, possessed of a perfect knowledge of their own rights, and prepared to maintain them. Let me tell the gentleman he will not find them very patient listeners to his "preaching of insurrection." He will not find them flocking to the standard of a slaveholder, as he proclaims to them the way to "universal emancipation from Northern fraud and duplicity."

Sir, the gentleman misunderstands the nature of our banking institutions and other corporations, as much as he does the character of our labor. They are not engaged "in enslaving and subjecting the laboring class." They are themselves the laboring class. The men of business of the North, the men who manage and control all these institutions, are the great middle class of society—the men who, by their own industry and intellect, have made themselves what they are. The banking institutions are owned not by the great capitalists, but by the active, thriving, and energetic men of business. The proprietorship of these institutions is for the most part in the hands of the men of moderate property, of females, of orphans, of charitable societies. I do not stand here as the apologist or the advocate of banks. Much, very much they may have done wrong. They are in the hands of the people at all times, for regulation and reform. Sir, I will not detain the committee, but I cannot avoid asking permission to read a passage from a letter of a distinguished personage upon this subject, which expresses, better than I can do it, what I deem to be the truth upon this subject. The letter was addressed to the chairman of the Committee of Ways and Means, of the Congress before the last.

"If there were no State banks, the profitable business of banking and exchange would be monopolized by the great capitalists. Operations of this sort require capital and credit to a large extent; and a private individual in moderate circumstances would be unable to conduct them with any advantage. It is proper that the business of banking and exchange should be open, as far as practicable, to the most free competition, and its advantages shared by all classes of society. Individuals of moderate means cannot participate in them, unless they combine together, and, by the union of many small sums, create a large capital, and establish an extensive credit. It is impossible to accomplish this object without the aid of acts of incorporation. The incorporated banks, moreover, under proper management, will offer a safe and convenient investment of small sums, to persons whose situations and pursuits disable them from employing their money profitably in any other mode.

"No commercial or manufacturing community could conduct its business to any advantage, without a liberal system of credit, and a facility of obtaining money on loan, when the exigencies of business may require it. This cannot be obtained without the aid of a paper circulation, founded on credit."

This is the language of the present Chief Justice of the United States, when Secretary of the Treasury; and here I leave the banks.

Let the gentleman from South Carolina proceed in his insurrectionary project against the labor and the institutions of the North. He looks for aid from the operation of this sub-Treasury scheme. It might aid him, it is true; but with whom, that is sound hearted, will that consideration recommend the scheme? Let the gentleman proceed. He will return from the campaign mortified as well as instruct-

ed. His purpose is vain; his threats are impotent. As well might he attempt a crusade against the grave yards of the North, and seek to spread ruin and destruction over the memorials of our dead, as expect to carry on a warfare, with any hope of success, against the industry, the enterprise, the sagacity, the honor of New England and the North.

When Mr. CALHOUN had concluded,

Mr. POPE adressed the Chair. He observed that he rose with reluctance, and much hesitation, to give his views to the committee on the principles involved in the bill, and the several subjects connected with it, after they had been discussed with so much ability in both Houses of Congress, and our session had approached its termination. He was aware that the committee were impatient to have the debate closed, and to take the question. He felt, however, that duty to the expectations of his immediate constituents and to himself forbade him to give a silent vote on a measure of so much magnitude, both in principle and consequences.

Many topics had been introduced into our debates during the present session, which did not seem to belong to any of the measures before us, and with reference to the parties in this House and the past political struggles of the country, to which he begged leave to give a passing notice. We ought (said Mr. P.) to lay out of view every thing which does not belong to the crisis in which we are placed; and it seemed to him that gentlemen of all parties should elevate themselves for a moment above the mere party contests of the day, and act exclusively with reference to the good of the country. The vessel of state, in relation to our monetary system, appeared to be stranded, and all certainly should unite to put it fairly afloat again upon the great current of the public interest.

Mr. Chairman, the part I acted in the election of the late Chief Magistrate is well known; and on that account I have ever been unwilling to assail him or the measures of his administration. His veto of the bank bill, the removal of the deposites, and other acts tending to an alarming increase of Executive powers, at the expense of the other branches of the Government, were so much at war with his opinion of the principles and genius of our free institutions, that I have for several years declined to participate in the mere party struggles of the country. While I could not endorse the measures alluded to, I have not indulged in bitter censure or crimination of those with whom I have been politically associated. In my canvass for a seat here, I appealed to no party on party grounds. My opinions about the United States Bank, currency, &c., were given to the people with openness and candor. Without disguise or evasion, or any mental reservation whatever, (Mr. P. said,) he had publicly avowed to his constituents his firm conviction that a national bank was a necessary and proper fiscal agent for the Government, the best regulator of our paper system, and an important auxiliary to the foreign and domestic commerce of the United States; and for the correctness of that opinion, he had appealed to the force of reason and experience.

Mr. P. declared that, notwithstanding all the denunciations of the bank or a bank of the United States, his firm and unshaken belief was, that it is the best possible remedy of a permanent character which can be applied to cure the disorders in the local currencies, check excessive issues of paper money, and insure to the nation a stable and uniform medium, and restore a healthy action to our money system. Public opinion in the Western States was strong and decisive in favor of this measure, and would be more so, from causes which do not apply as strongly to the Atlantic States. In Virginia, Maryland, New York, and other States on the Atlantic, the people trade to the cities on the seaboard in their own States; and the local currency will answer their purposes to a considerable extent. The trade of the Western States is carried on to distant places, much of it through other States, and the local currencies will not answer, and our Western traders are subjected to much loss in changing the paper received in every State through which they pass, going and returning; and all this loss falls on the farmers of the West; whereas, while the branch banks of the United States Bank existed in the South and West, the traders were not subjected to the losses and inconveniencies to which they are now exposed.

As so much has been said about merchants and overtrading, &c., Mr. P. would remark that he represented an agricultural district, and that the farmers of the West were, if possible, more urgent than any other class for a national bank, in order to have a currency in which they could confide—one sound and uniform. They had experienced the beneficial effects of a United States bank, and were desirous to see that sound condition of things restored. Mr. Chairman, (said Mr. P.,) I had occasion to act on this question of a national bank twenty-five years ago, in the other branch of Congress; and I then examined it with an honest inquiry after truth, and became entirely satisfied of the constitutionality and the great utility of such an institution. The opinion I then formed I have maintained ever since, through good and evil report. Whether popular or unpopular, (Mr. P. said,) he had made it a rule through life, when duty required him to act on a principle of cardinal importance or vital interest to the people, to explore it well, to establish truth in his own mind, and to adhere to it, unless overruled by the deliberate will of his fellow-citizens. Fortunately for him at this moment, in the opinion he expressed, he stood supported by the voice of those who sent him there, and the State at large.

Mr. Chairman, before I proceed to bestow a special consideration on this sub Treasury scheme, contemplated by the bill under consideration, or a national bank, which seems to be associated with it in this debate, permit me to notice other topics so frequently adverted to at this session. We are daily entertained or disturbed about the annexation of Texas, the tariff, and abolition. On the subject of Texas, I have no opinion at present to give; indeed, I have not considered it sufficiently to decide on the power or expediency of the annexation of Texas, if desired by the people of that country. Mr. P. said he was not prepared to say to what extent our plan of government could expand without endangering its integrity. It was a question on which an American statesman should not indulge hasty speculations; it was one which demanded grave and profound consideration.

In the old world there seemed to be natural barriers between nations—the Alps and Pyrenees separated communities; but here we had disregarded those geographical divisions, and cut down and perforated the Allegany which divided the Atlantic States from the great Western valley. By roads and canals, with the consequent facility and rapidity, we had contracted practically the extent of our territory. I would, however, implore gentlemen from the North and East, and especially the distinguished gentleman from Massachusetts, [Mr. ADAMS,] never to urge as a ground of opposition to Texas that slavery is tolerated in that country. It does not appear to be a legitimate ground of opposition. Should the provinces of Canada be ever separated from the mother country, and their independence established on the plains of Abraham, and that people should desire to be made part of this republic, I should not think of objecting that they have or have not slaves. The question ought to be viewed on more elevated ground. We should bear in mind that, in the struggle for liberty and independence, Virginia and Massachusetts shook hands as brothers, and staked their lives, fortunes, and sacred honor, in the common cause. Each State was left free to act in relation to domestic slavery.

It affords me pleasure, on this occasion, Mr. Chairman, to do justice to the consistency of the respectable gentleman from Massachusetts, [Mr. Adams,] in the opinion he has expressed that Congress has no power to annex Texas to the United States. I well recollect that he expressed the same opinion in the Senate during the session of 1807–'8, in regard to the admission of new States formed out of the territory of Louisiana; but, at the same time, avowed his willingness, and I believe with entire sincerity, while he could not concede the power to admit them, to vote for an amendment of the constitution to authorize their admission.

The subject of abolition, so often mentioned on this floor, has never disturbed the people of Kentucky, although a slave State. I know that there have been in my own State a large number adverse to slavery, desirous of getting rid of it by emancipation, or in some other way. Some, probably, were in favor of abolition; but experience and observation have convinced the warmest friends of emancipation that any mode of terminating slavery and retaining them among us would be mischievous and dangerous. The Ohio river divides Kentucky from the free States of Ohio, Indiana, and Illinois; and, while we are aware that there is a religious feeling and some fanaticism in relation to slavery, we indulge no suspicion that the great body of the people of those States are disposed to disturb our slave property; and, as to the enthusiasts and fanatics, we tolerate error and folly, while reason and practical observation are left free to counteract them. The question of domestic slavery is one over which each State must be left to exercise sovereign control, subject to the power of Congress in reference to the importation of slaves from abroad.

The tariff is often mentioned, too, here, certainly foreign to the subjects of our present deliberations. Permit me, Mr. Chairman, (said Mr. P.,) to retrospect the history of this tariff policy for the last thirty years. Nearly thirty years ago, he was a member of the other branch of Congress; and gentlemen from the South and West, with the exception of Mr. John Randolph, and perhaps a few others, favored the tariff policy; and, in accordance with the expressed or imputed opinions of Mr. Jefferson, advocated the policy of rendering this country, to a great extent, independent of the workshops of Europe. I well recollect that I united in this opinion, without having ever considered deeply the effects of this policy on the different sections of the Union. The people of the Eastern States were at that time more inclined to employ their capital in commerce than manufactures, and Mr. Hillhouse, a Senator from Connecticut, a man of practical wisdom, remarked to me, with apparent candor and much earnestness, that it was wrong to force or stimulate manufactures prematurely; that they ought and would grow up gradually with the growth of the nation. Circumstances, however, turned a large portion of Eastern capital into manufacturing establishments, and the Eastern people, ever astute and sagacious in whatever concerns their interest, asked for protection—more and more protection—until the South, awakened to a sense of the effects of this protective policy on the planting States, changed their course, and resisted this protective policy, which at one time gave rise to a most angry and excited contest. Fortunately for our peace and harmony, the question was compromised by the agency of a Kentucky member of this House, and a distinguished Senator from the same State; they, at least, aided much in restoring quiet to the country, and I hope that compromise will not be disturbed; and that, until the year 1842, this matter will be at rest. It is very probable that the tariff policy was carried too far. Kentucky is a consuming State, as much so as Virginia and many other Southern States; and, while she admits the power and policy of giving reasonable protection to American industry, she will be among the last to support, knowingly, any policy tending to sacrifice the interest of the South to advance or aggrandize any other portion of the Union. He would, however, take leave to remark that he believed that at no distant day Virginia and Kentucky will rival the Eastern States in many branches of manufacture. These States abound in coal, water-power, and minerals, with a temperate climate; and it has been said of Kentucky that she contains the richest mineral wealth in the United States. Regions there, hardly inhabited now, and considered of little value, will ultimately be filled with towns, villages, and an industrious and thriving population.

In connexion with these vexed and exciting questions of abolition, tariff, annexation of Texas, we too often hear of disunion, &c., and I must confess, Mr. Chairman, (said Mr. P.,) that I regret to hear language of this sort from the distinguished gentleman from Massachusetts, [Mr. Adams,] when speaking of Texas. When contending for freedom and independence with Great Britain, our brethren of the North did not object to an association with the South on the ground of domestic slavery. Kentucky is a central State, and a farming or planting State; a great consumer of foreign and American manufactures. We, the people of Kentucky, although, from habit, education, personal and commercial intercourse, partial to our Southern brethren, are not blind to the value and importance of our political association with the Eastern States. We consider them the right arm of our national strength as a maritime power. For intelligence, hardy enterprise, and skill in commerce and navigation, they are not surpassed, if equalled, by any nation of ancient or modern times. By the union of free and slave States, by their joint counsels and arms, our liberties and independence were achieved; and let not the trashy effusions of fanatics, or the visionary speculations of enthusiasts, disturb our tranquillity, or weaken those ties by which these States have been so long united. If we continue a united people, this nation will, at no distant period, by their justice and power, exercise more influence and control over the affairs of nations than ancient Rome when mistress of the world, or Great Britain when she asserted the empire of the seas. He begged pardon of the committee for digressing so far from the question under consideration, and had only to assure them that he was led off by a solicitude to divert their attention from subjects which had been, as he thought, rather strangely brought into discussion, and to bring the minds of all to a deep and solemn consideration of the existing crisis: for sufficient for the day is the evil thereof.

The bill under consideration provides not only for the collection of the revenue, but the establishment of a number of sub-treasuries, to be located in different places in the United States where the revenue and proceeds of the public lands are collected, and the Secretary of the Treasury is authorized to appoint agents to inspect the books and accounts of these sub-treasuries, and report to him. Those charged with the collection and preservation of the money drawn from the pockets of the people, with the agent to inspect, &c., are to be appointed by the Executive, removable at his pleasure, and in all respects subject to his control. It is in substance a bill to unite the purse and sword of this Government in the hands of the President, in derogation of a fundamental principle of our free constitution, and the title of it should be, a bill to consummate the overthrow of that equilibrium and division of power which the wise founders of this republic intended to establish to secure American liberty.

The maxim that a division of power among different departments or bodies of magistracy was necessary to secure liberty, seems to have been better understood and practically applied by the statesmen of modern times than in remote ages. This maxim has been incorporated into all the American constitutions, and pervades every ramification of this confederated republic. Such a division of

power as will prevent undue accumulation of power in the hands of one department or body of magistracy, was deemed by our ancestors essential to the security of the public liberty. This great principle forms a vital feature in the political law of modern Europe, where it is held that every power ought to be restrained within such limits as will insure the independence of neighboring States; and hence the numerous wars to maintain the balance of power.

Our constitutions divide the powers of Government into several departments or bodies of magistracy, and these powers are again divided between State and federal bodies of magistracy. To the legislative department it belongs to impose taxes upon the people; and I put the question to the grave and candid consideration of this committee, whether it properly belongs to the Legislature or the Executive authority to create or select the agent to keep and guard the money of the people, until drawn out in conformity to appropriations made by law? Is the Executive or Legislature the keeper and guardian of the public treasure? In practice the first Bank of the United States was the chief agent in taking care of the public money, and the last bank was made the agent by legislative authority; and that both were safe and responsible agents is ascertained by the fact that no loss was ever sustained while they had the care of it; whereas we know that numerous defalcations, and frauds, and peculations, have been committed by collectors, receivers, and others charged with the care of the public revenue. Large sums confided to individuals furnish temptations too strong for poor, weak human nature. Treasurers in Virginia and Kentucky, of the fairest character for purity and honor, afford strong proofs of the danger of confiding large sums of money to the care of individuals; and both States have directed the public money to be placed in sound and responsible banks. When it is deposited in a bank, to the credit of the Government, the whole corporation is responsible. The capital of thirty-five millions of dollars of the late Bank of the United States was bound for the money placed in its vaults.

I will not detain the committee by any calculation of the additional expense, or Executive patronage of this new scheme of sub-treasuries, because it is liable to other objections of much more magnitude. To what responsibility, Mr. Chairman, do you look for the security of the public revenue? Do you rely on the bonds and securities provided for in this bill? Remember that there will be collected in the city of New York alone from twelve to fifteen millions; and that in the cities of Boston, Philadelphia, Baltimore, Charleston, and New Orleans, from three to five millions on an average will be received by the collectors at each port; and a large amount of this money must remain for a considerable time in their hands before it can be paid out. In the whole of these sub-treasuries there will generally be on hand from five to ten millions of dollars. Now, sir, what individual and securities can be good and responsible for millions? Sir, you have no security for the safety of the public funds but in the honor and integrity of the officers charged with the care of them.

I have, Mr. Chairman, other fears and objections in relation to this measure. The officers to have charge of your money will be the creatures of the Executive, holding their offices at his pleasure, and responsible directly to him. We all know that money has become a powerful agent in our political contests, and especially in the large cities. Let me suppose a violent party contest for the Presidential office, and the man under whom these treasurers hold their office a candidate; can you believe that they will resist the appeals of the friends of power, to use the public money to insure the election of their favorite candidate? I cannot think of a scheme more likely to be fatal to the purity of our institutions, and the public liberty, than the one on your table. I deem it a most sacred duty of the representatives of the people to place the money drawn by their authority from their constituents in safe hands, and not where it will be in danger of being wasted and plundered. The guardianship and care of the public treasure belongs to Congress, and not to the Executive. Acting upon this principle, and in accordance with the genius of our free institutions, the people of Kentucky, in convention, provided that the Treasurer of the State, who was to be charged with the care of the public money, should be elected by the Legislature, while the appointment of all other officers was confided to the Governor and Senate.

This measure seems designed to substitute an exclusive metallic currency for the specie and paper currency, that is, paper convertible into specie, to which the people have been accustomed for half a century. During forty years out of forty-eight of our political existence under the present constitution, we have had a currency consisting chiefly of silver money and bank money, that is, bank notes convertible into specie; for such paper has been considered and called money from the commencement of the banking system in Europe. That notes at all times convertible into specie, such as were issued by the Banks of the United States, have been deemed by the people money, and paid and received as such by all classes in this nation, is a fact of universal notoriety. And why we should, after this long practice and experience, revolutionize our whole monetary system, and run counter to the fixed habits and prejudices of the people, I am utterly at a loss to imagine. Are gentlemen prepared to injure the best interests of the people, and endanger our domestic tranquillity merely to preserve their consistency in error? Would it not be more wise, manly, and patriotic, regardless of all party considerations and past opinions, to sacrifice party opinions and a selfish policy on the altar of their country's good? Let us, now look at our condition. According to the last estimates with which we have been furnished, there is now in the United States from sixty to eighty millions of gold and silver, twice as much as we ever had before, with double the number of banks we had five years ago, and our whole land abounding with the finest crops ever before witnessed; and yet, strange to tell, owing to the instability in the public councils, and a disordered currency, confidence and credit are destroyed, and distrust and painful anxiety pervade this great community. The commercial action of the nation is, to a great extent, suspended; a large number of our vessels and steamboats are laid up and idle; and a large portion of the laboring classes thrown out of employment.

The wisest statesmen and purest patriots of this nation have abandoned long-established opinions and prejudices in obedience to the voice of experience and the exigencies of their country; and why cannot we do likewise to redeem this people from the embarrassments, dangers, and difficulties which surround them? In this age and Government of experiment, we ought not to be surprised at change of opinion in the wisest men. The most enlightened statesmen ever selected to preside over the affairs of nations have been often mistaken: they have only seen through a glass darkly the consequences of their measures. God has given to the mental vision of mortals but an imperfect and limited view of the future. I must here be permitted to repeat the remarks of Mr. Giles, of Virginia, a most distinguished parliamentary debater on the floor of the Senate, when charged with inconsistency. In his defence, he observed that he should have lived to little purpose, if he had not learnt by experience to correct his errors; but, said he, I have another very sufficient answer to give to the charge—I am consistent in this, said Mr. Giles, that I consider it my duty, at all times, to my country to do what is best for that country under the circumstances in which I am placed. In a review of our political history for the last forty years, it will be found that there

have been frequent and great changes of opinion on the most important subjects. At one time the great body of the people of the South and West were opposed to a navy; but experience has corrected their error. Many of the most distinguished men have changed their opinions on the question of a national bank—Mr. Madison and Mr. Monroe among others. Thirty years ago the people of the Eastern States were rather opposed to the manufacturing policy, the South and West for it; and now the East for it, and the South and West, or a great portion of them, against it.

Let experience, the best of all teachers, learn us to act wisely, in relation to the existing crisis in our public affairs. Let us reason together with frankness, and in a spirit of patriotism, and with bosoms animated with no other feeling than the public good, apply such remedies to the disorders in the currency which experience has proved to be efficacious, and restore once more a healthy action to the body politic. Let us have no more new, untried nostrums. The brokers and shavers are now reaping a rich harvest from this ruinous condition of the currency, and the loss must ultimately fall on the laboring and industrious classes of the community. The vacillating and unstable policy of the Government has shaken the confidence of moneyed men, who are now hoarding their treasures because they are unable to calculate the results and consequences of the present state of things, afraid to lend or invest their money.

Mr. Chairman, the farmers of the West, when they sell their stock or other products of their industry, want that sound, good currency to which they have been accustomed; and when they sent agents here to correct existing evils, they did not expect them to provide good money for themselves only, but for their masters—the great body of the people. This bill provides that no money shall be received for land, or at the custom-houses, but gold and silver. Twenty or thirty millions of gold and silver are to be drawn from the interior every year into the land offices, and to the large cities on the seaboard, where it is to remain until paid out to the public officers—to the navy, army, and for the public works; and I fear it will be slow in its march back to the interior States, where there will be little or no public expenditures. How the State banks can resume specie payments, or maintain specie payments under this operation, I must leave to better judges to decide. From five to ten millions must be generally locked up in the Government vaults, and withdrawn from circulation. To reconcile us to this experiment, we are told that we are to have a hard-money constitutional currency. I will not, by exploding paper money convertible into specie, and establishing an exclusive metallic medium, carry this nation back to a rude and half civilized age, before commerce, enterprise, and navigation had enlightened and civilized the nations; but will content myself with the facts and examples furnished by the most enlightened and powerful people of modern times, as the basis of my opinion and reasoning on this question. On a territory of no greater extent than Delaware or Rhode Island, or the city of New York or Philadelphia, a hard-money medium would be practicable, and a paper medium could be dispensed with. It can only suit a small territory, where the population is dense, where it can be removed from place to place without much expense or hazard; but in this extensive country it must be evident, on a moment's reflection, that convenience and necessity require a paper representative of specie. Every traveller through this vast territory, with a moderate amount of the precious metals, would be exposed to hazard; the weight of his trunk or saddlebags would give notice, at every inn at which he stopped, of the amount of his treasure; and when large sums are to be transported to distant places, the peril and expense would be increased.

I will not, Mr. Chairman, by my vote, authorize the President of this free people to imitate the example of kings and emperors a few centuries past, who hoarded up at the capital all the gold and silver they could extort or filch from their subjects, to carry on wars of ambition and conquest. Neither my pursuits nor reflections have led me to explore, with the eye of a profound financier, the monetary systems of the commercial world in all their ramifications and effects; but I believe I may venture to say that neither this nor any other people can long have more than their fair proportion of the gold and silver of the commercial nations. If we should be able to obtain an excess, so as to produce a pressure in other countries, that excess would soon leave us and return to places where it would be wanted; nor can bolts, or bars, or vaults, embargoes, prohibitions, pains or penalties, arrest the current established by the laws of trade, which no power, the most despotic, had ever been able to control. The currency of Great Britain and France consisted of gold chiefly, and paper, with this difference, that in Great Britain the proportion of paper, in the form of bank notes, to gold, was greater than in France. With these countries we have more commerce than with any others. Our currency has generally consisted of silver chiefly, and paper in the form of bank notes, with a greater proportion of paper than in either Great Britain or France; and the specie must flow from those countries to this, and from this back, according to the laws of trade, regardless of any laws or regulations of either.

Mr. Chairman, in exploring the causes of our present difficulties, I shall not go back to the removal of the deposites, but content myself with the recital of a few extracts in relation to this subject. There is no doubt that the extensive and extravagant speculations in the public lands, diverting twenty or thirty or forty millions of dollars from the ordinary channels of trade and business, may have had some influence. The unusual importation of gold from England and France may have produced a pressure for specie there, which, reacting on this country, produced a rapid return of it, and forced the banks, for self-preservation, to suspend specie payments. In this conflict and pressure in both countries, cotton fell, merchants failed, and a shock was given to confidence, credit, and business; and owing to the fall of cotton, with other causes, a large balance was created against us in favor of Europe. In this state of things, the Government, instead of denouncing the State banks, and threatening to crush them by destroying their credit and issuing commissions of bankruptcy, should, on account of the people, if not the banks, have exerted all their power and influence to sustain their credit and confidence in them and their paper, the only currency among the people.

The effort made to carry into effect, at this moment, the hard-money policy, and cast off the State banks, is calculated to have the most disastrous consequences on the community, by encouraging creditors to refuse to take the local currencies for their debts; to reduce the value of property, and unjustly change the relation of creditors and debtors. The Legislatures of the States may be driven to stop execution, unless the creditors will take paper, as has been done by Virginia at her last session. Mr. Chairman, we do not realize the dangerous consequences to result from the disordered condition of the monetary system. Derangement of the currency, loss of confidence and credit, is the hinge upon which many revolutions have turned in civilized countries. It is well known that the derangement of the finances, and destruction of public and private credit, was the immediate cause of that revolution in France which deluged that country with blood. At an early day an insurrection occurred in the State of Massachusetts; and in my own State, not more than ten or twelve years ago, after we had created numerous banks, the creditors and debtors had a most angry conflict; and, after relief

laws, judge-breaking, and a temporary war upon our judiciary, the people of that State were brought to the verge of civil war. On no condition of the State ought we to look with more deep concern than a disordered state of the monetary system. There are duties of more paramount obligation on the Congress of the United States, than to exercise all the powers granted them by the constitution, to restore a sound and healthy action to that currency which regulates the transactions of the people. To preserve union, establish justice, and insure domestic tranquillity, are among the leading objects of the federal compact.

Mr. Chairman, another unmeaning and complex notion is to be presented to the nation to reconcile them to this new and dangerous project. They are to be amused with the cant phrase, that Government ought to be divorced from the banks; and the people, who have based all their transactions on the local banks and the currency furnished by them, are to be abandoned to shift for themselves, under the denunciation and slanders of the Government—that same Government that brought many of these banks into existence, and assured the people they were to be confided in, and that they would furnish a better currency, and do the business of exchange on better terms, or as good, and more extensively, than the Bank of the United States ever had. And this language was held by the administration up to the 4th of March last, when the late President, in his farewell address, only about eight weeks before the banks all suspended specie payments, from causes to which I have briefly adverted, announced to the nation that all was well in regard to our banks and currency. If those placed by the people of this country at the head of public affairs, for their supposed wisdom and patriotism, could not foresee the fatal catastrophe which was to occur in so short a time, how can they criminate with such wanton and unfeeling cruelty the conduct of the banks which had followed their counsels? For, sir, I have now before me the letter of Secretary Taney to the deposite banks, after the removal of the deposites, in which he exhorts the State banks to expand their issues, and to be liberal in their accommodations to the community. No sooner, however, had the shock been felt by the banks, and their doors closed, than the friends of the administration became alarmed lest censure and reproach should fall on the administration, and "let slip the dogs of war" on the banks, in order to make them the scape-goats to bear off the sins and blunders of the administration.

Sir, how many of the deposite banks are insolvent, and how much is the Government likely to lose by them? I should like to have a candid answer to this question. I am sure that I have not been informed. If any are likely to prove insolvent, they ought to be designated. On the contrary, we are informed by the Secretary that the public money placed in them will be ultimately safe. Their whole crime, then, consists in having expanded their issues in conformity to the advice of the Secretary of the Treasury, and the approbation of the Government, and, under an unexpected revulsion in trade, and a pressure for specie, which the wisest men among us did not foresee, suspended specie payments. In this hour of difficulty and alarm, Mr. Pope said he would ask of every candid man whether the Government, after having nationalized these banks and their paper, were not bound in gratitude to their bank friends and the people to put forth all their strength and constitutional power to aid and sustain their credit and the confidence of the community in their paper?

Mr. P. said he had not much sympathy for those banks which accepted the deposites at the time of their removal from the United States Bank, because they had been hired and seduced to embark their influence in a crusade against the national bank, which they will find, and ought to have known long since, is the best regulator of our paper system, and the great conservator of the sound State banks of the nation. From the commencement of the Government, the national bank and State banks had lived in harmony and worked together for the good and prosperity of this rising nation. By their joint efforts spurious and fictitious banks had been kept under, and, during the existence of a national and good State banks, the people had been secure against a vicious national or local currency.

Mr. Chairman, if I was as jealous of men in power as a political man ought to be in this free Government, I should incline to believe that the plan has been long and deeply laid to destroy the present banking system of the nation, national and local, for the purpose of rearing up on its ruins a great Government bank, to be wielded by those in power; yes, sir, to concentrate in the hands of the Executive not only the sword, but the great money power of this nation. The first bank to be destroyed was that of the United States; and, that accomplished, the next to be sacrificed were State banks; and it might have been supposed, from what occurred in 1814 and 1815, that they would fall an easy prey from similar causes; and then a Government bank would seem to be a necessary result of the destruction of all others; for, sir, it has never been imagined by the enlightened men of this country that the fiscal and commercial business of the United States could be carried on over our extended territory, by an exclusive metallic medium. Until lately, I was utterly at a loss to conjecture the motive which induced the friends of the administration to oppose, with such zeal and violence of denunciation, the charter of the late Bank of the United States by the State of Pennsylvania; and what is most extraordinary is, that a distinguished citizen of Pennsylvania, now on a foreign mission, should have so lately advocated, in the public prints, the revolutionary course of annulling, in a convention, the solemn charters granted by that State. The bank had ceased to exist as a national institution; and why there should have been such hostility to its incorporation by the State of Pennsylvania, I could not divine, until this sub-Treasury scheme was announced in the late message of the President. It is possible that it was apprehended that a State bank of such magnitude, under State authority, might present some obstacle to the great destroyer of banks, and embarrass the scheme under consideration, designed, if I am not greatly deceived, to lay the foundation of a great Treasury bank.

In looking at the past and present course of things, I am led back to the discussions, in the Virginia convention, of this constitution, between Patrick Henry, the first orator of ancient or modern times, and one who looked through the deeds of men, and the late Mr. Madison, among the most virtuous and enlightened statesmen in America. Mr. Madison could not believe that any President would remove a good officer without reasonable cause, and supposed that the powers of Government were so arranged and divided that there could be no undue or dangerous accumulation in any department. Mr. Henry, with prophetic vision, at the same time that he bestowed a merited eulogium on the virtues and intelligence of Mr. Madison, said, in emphatic terms, that, unfortunately for himself, and unfortunately for his country, he had been bred up in the dark closets of study, and knew nothing of mankind. Sir, said Mr. Henry, whatever others may think, however they may admire this constitution, to me it has an awful squinting towards monarchy. Mr. Henry had studied human nature thoroughly, and explored, with the eye of a wary stateman, all the secret springs of human actions, and foresaw, or thought he foresaw, a strong tendency in this Government, to concentrate too much strength in the Executive head, and predicted that at no distant day he would be more absolute in fact, if not in form, than any monarch on the British throne since the Revolution of 1688. Mr. Chairman, from what I have observed within a few years past, I fear Mr. Henry's predictions will be fulfilled, unless every man who thinks

this free system is worth preserving will stand forth and contribute his mite to check this tendency to prostrate all other departments at the feet of the Executive.

I know that many gentlemen calculate that this cant phrase of divorce of Government from banks is to carry them triumphantly through the pending struggle; but if they mount this petty, poor hobby, they will soon find themselves cast into insignificance. They rely too much on the credulity of the people, and underrate their intelligence. In prosperous times, when they feel no distress or suffering from the measures of the administration, they cannot be easily roused to resist error; but in times like the present, gentlemen may be assured that the whole intellect and energy of the people will be brought into action to vindicate their rights and interests.

The respect I have for many gentlemen who talk about a divorce of the Government from all banks, induces me to examine more gravely than might seem to be necessary or proper, the nature and character of this divorce. The parties to be divorced are the Government on the one part, and the banks, and, I would add, the people, on the other part. Now, sir, what is the Government, the party of the first part? It is, Mr. Chairman, if I understand the matter, the States and people acting here in all the Departments by agents; this is a Government of the people and States, who are at present acting by selected agents, in one branch, the States acting by agents selected by them in their corporate capacity. Now, sir, what are the banks of the States but money corporations, created by the States, furnishing bank money or currency for the people of the States, and solemnly made by this Government money agents of the United States, and furnishing, with the sanction of this Government, bank money for the Government and people of the United States? The stock of some banks is owned exclusively by the States; in some the stock is owned in part by the States and in part by the people; in others, the whole is owned entirely by citizens. This divorce, then, if I can comprehend the true character of it, is a separation of the States, banks, and people, from the States, banks, and people. There is something so obscure and preposterous in the proposition advanced, that the Government of the nation ought to sever itself from the States and people, and leave the people to struggle with a ruinous currency, without an effort to correct the evil, that I am at a loss for argument to combat such an incomprehensible, idle phantom. Am I to understand gentlemen that the existing currencies in the nation, practically the money of the people, long the standard and measure of value among them, the basis of all their contracts and transactions, is to be left in chaotic disorder and confusion, without an effort on our part to apply a correct ve, and that we, the agents of the people, are merely to provide good money for ourselves and public officers—that we, a select few only, are to be taken care of?

Mr. Chairman, let us reflect like faithful representatives and guardians of the public prosperity and happiness, and act effectively in obedience to the dictates of duty and patriotism. Let us exert all the powers granted by the constitution to redeem our country from the evils and dangers which surround it. It is proper to examine the powers of this Government in relation to commerce, and money, or currency. By the constitution, power is expressly granted to Congress to coin money and regulate the value thereof, and to fix a uniform standard of weights and measures. To Congress power is expressly granted to regulate commerce with foreign nations, and between the several States, and with the Indian tribes. That money and currency is intimately associated with commerce, and has been so in all times and in all well-regulated commercial nations, I need not adduce facts or arguments to prove. Money and currency have ever been considered the life and soul of commerce; in the language of Mr. Hume, it is the oil which renders the wheels of trade smooth and easy, and he considers the thorough concoction and circulation of money through a State of much importance.

The people of the United States, in convention assembled, were deeply impressed with the necessity of granting to Congress full power over the subjects of commerce, external and internal, and currency; and, to make their intention more manifest, they denied to the States the power of coining money or emitting bills of credit. The evil which had been experienced from the power of the States to coin money or emit bills of credit, and the danger and inconvenience of permitting the States to regulate commerce with foreign nations, or with each other, induced the convention to vest Congress with plenary and exclusive sovereignty over these subjects; and I put it to gentlemen to answer whether the powers and duties of this Government in relation to currency and commerce are not as ample and imperative under the limitations of the constitution, as can be imposed on any other Government. The States and people of the States have not reserved any control or sovereignty over these subjects, but have surrendered them to Congress.

The people of these States, by their relation to this Government, are bound, by their money and their arms, to stand by and support it in good and evil times, and have a right to demand the exercise of all the power and means within the sphere of their authority, to give them a good currency, a fair measure of value to insure a just relation between creditor and debtor, and preserve a healthy action in the external and internal commerce of the country. Nor can the Government refuse or neglect to perform these duties to the extent of their power and means, without a criminal violation of their highest duties and obligations. If those placed in authority are too elevated to feel for the distresses of the people, or not wise enough to perceive the remedies necessary and proper to cure existing disorders; are so tight laced with commitment and consistencies as to be unable to act the part demanded by the exigencies of the times and the voice of a disturbed nation, let them retire from the post assigned them, and give place to wiser and better men, who have not sought the post of honor at the expense of principle and the public good; will not be committed against measures essential to maintain credit and confidence, and protect the great springs of the public prosperity. How different is the language held by the administration of public affairs in this country, from that held by the administration of Great Britain and the whigs of that country. In the year 1793, when the people of that country were overwhelmed with difficulties and embarrassments, and the commercial credit was in danger, the Government stepped forward with a kind and aiding hand, and arrested the ruin and desolation which seemed to be impending.

In 1797, when the Bank of England suspended specie payment, and a panic seized the nation, the prime minister of England, instead of denouncing the bank and ordering a commission of bankruptcy against her, had a committee raised to examine her affairs, who reported, after a full examination of the affairs of the bank, that the means were ample to meet her engagements, and that she was sound and solvent; that the suspension was forced on the bank by the circumstances which surrounded the country and the dangers which menaced it.

If, Mr. Chairman, this Government had taken the same course, had an investigation made into the condition of our banks, and a report of the same character, so far as merited, made to the nation, with assurance that the Government would aid them with its credit and countenance to resume specie payments, they would have maintained with the people confidence in our institutions, so important in this hour of alarm and distrust; and if the President, in his message, instead of denouncing a nation-

al bank, had declared, like President Madison, that the State bank experiment would not answer without a national bank, and recommended the measure to the consideration of Congress; if he had hurled from him the hobby by which he rode into power, and dismounted his followers, and admitted his error, with that magnanimity which becomes the Chief Magistrate of a nation, he would have gained a crown of public approbation worth all the Treasury note bills and sub-Treasury schemes which his ingenuity can invent in the four years for which he was elected. In confirmation of the opinion I have advanced, of the duty of this Government to give the people a good currency, and guard against a ruinous and unstable one, let me call your attention to the sentiments expressed by the whigs of England, such as Charles Fox, Sheridan, and others, whose lives were devoted to sustain the rights of the people against the usurpations of the Crown.

In a protest entered on the journals of the House of Lords in the year 1797, during the war between England and France, they hold and maintain the following language and opinions. The whigs insist in that protest that "the advisers of the Crown are responsible for the condition of the State; responsible for its internal peace and general good government; for the protection of its commerce, its credit, and the various sources of its prosperity and wealth." And, Mr. Chairman, I concur with Fox, Sheridan, and other whigs of England, whose lives were devoted to the maintenance of the powers and privileges of Parliament against the encroachments and usurpations of the Crown, that those charged with the administration of this or any other Government are responsible for the condition of the State, and for the protection of its commerce and credit, and that no administration can evade that responsibility with honor or a regard to public duty. According to the express provisions of our constitution, and the fundamental law inherent in every political association, those placed in authority are under the most imperious and sacred obligations to perform the duties to which he had adverted. It is true that, technically and strictly speaking, nothing but gold and silver can be forced on a creditor; but we know also that, in practice, whatever medium may by law or general consent be generally received in exchange for property or commodities, and in payment of debts, is, and must be, the circulating medium and currency of such country, and will regulate the performance of contracts, if another medium be not specially provided for; and hence the necessity imposed on the sovereign power to guard against the depreciation and fluctuations of currency, whatever it may be, to secure society against violent struggles between debtor and creditor, the necessary consequence of a spurious, uncertain standard of value. For forty years out of forty-eight of our national existence, our Government, by the use of national banks, has secured the country against these evils. It seems to be fashionable now to denounce the banking and credit systems, and extol the hard-money plan. The policy and expediency of banks I do not consider, at this day, a debatable question. They are liable, like all other good institutions, to abuses; but the systems here, while we had a national bank, attained as much perfection as in any other country where they had been used. Banks have been introduced in the most enlightened countries of Europe, the offspring of commerce and wealth in commercial nations. The experience of ages has established their utility, and it would be strange for us, at this day, to run counter to the long usage and testimony of the whole commercial world. We have had them in this country for more than half a century. Few men are willing to keep in their private coffers a large amount of money; the fact is difficult to conceal from those about them. A man cannot be always at home to guard his treasure, and is exposed to robbery and murder; hence men are generally disposed to deposite their funds on hand in some place of safety, and banks of good and solvent character, and having general confidence, are selected by prudent men to take care of them; and these deposites are of great advantage to the public, because the money of the country, instead of being hoarded, is secured by the owners from fire and robbery, and placed in good banks, and put in circulation by the banks, to aid the enterprise, industry, and business of the people. But to secure these advantages, and augment in this way the active capital of the community, it is necessary that the banks should be sound, and have the firm confidence of the people.

Banks, in their origin in Europe, were places of deposite and of inspection for money, to prevent clipping or debasing the coin. The checks of the depositors passed from hand to hand as money, and, being convertible at all times into specie, this species of transfer was called bank money; so the notes of the Bank of England and of the Bank of the United States, while convertible into specie, may be properly denominated bank money. To give to paper, in the form of bank notes, the character of money, it is necessary so to organize and regulate our banking system as to secure to the holder of a note the power of converting it into gold and silver at all times; and this we have never been able to do uniformly, but by the agency of a national institution. The banking and paper credit of Great Britain has been carried to a greater extent than that of any nation in Europe; and under its operation and influence she has become the first commercial and naval Power in the world. When Bonaparte was preparing to invade England with a million of soldiers, the timid part of the nation became alarmed, and made a run upon the bank, in order to prepare for flight from the kingdom, in the event of Bonaparte's success; and this, with other causes, forced a suspension of specie payments; and yet England, with this suspension, maintained a war against nearly all Europe for more than twenty years—triumphed over the combined fleets of France and Spain in two decisive victories, at Trafalgar and the Nile, and carried her power and domination to regions where the Roman eagles never flew when mistress of the world; and there would seem to be no limit to her domination, but for the rising greatness of this republic.

It was, sir, the Anglo-Saxon spirit of this people that gave us independence; and this nation, if united, will, at no distant period, rival Great Britain in commerce, and check her supreme dominion on the ocean.

What, Mr. Chairman, has been the effect of the banking system and paper credit in this country? It commenced more than fifty years ago, has expanded with the growth of the nation, and, in less than half a century, under our present constitution, we have risen from a small beginning to be the second commercial nation in the civilized world. Our navigation has increased; our country has improved, with astonishing rapidity, in wealth and internal improvements of every kind; our population has expanded to the far West, where the wilderness has been made to blossom like the rose, under the operation and influence of this banking system so much denounced of late.

Banks are useful, not only in aiding the general operations of commerce, but they place the poor and wealthy on more equal ground. Young men of enterprise, industry, and good habits, can generally, with the aid of friends, obtain loans, on moderate interest, to embark in trade and business; and thousands of enterprising young men without capital, with a little credit, have risen from poverty to opulence. I know, too, that the branches of the United States Bank established in Kentucky, after all other banks were wound up there, diffused their loans and accommodations to the people of my State as fairly and usefully, and, indeed, more so than any other bank ever did, and without interfering in our party contests. I believe no institutions were ever less liable to such an imputation.

Mr. Chairman, I have now to say to my friends from Virginia, who oppose this bill, and insist that the State banks shall be continued as depositories of the public money, that while I do not believe that this Government ought to depend on the agency of banks under State authority, I will vote with them to make general and special deposites in those banks in preference to the bill under debate; and I hope if the amendment proposed in favor of State banks should be rejected, that my friends from Virginia will unite with me for a bank of the United States. They will answer me, probably, that they cannot do this, because it is forbidden by the constitutional doctrines of Virginia, which, he (Mr. P.) must confess he had never been able to understand, although born in Virginia, often an actor on the political theatre, and a supporter of three Virginia Presidents—Jefferson, Madison, and Monroe. If these distinguished men are to be considered the elders of the Virginia political church, with the addition of the late Mr. Crawford, born in Virginia, and supported for the Presidency by that State, we shall be still more at a loss to understand what is meant by the Virginia doctrines; and we shall probably find them, like the doctrines of most other States—one rule of faith in theory, and another in practice.

It has been generally supposed that the Virginia statesmen of the Jefferson or republican school were opposed to the exercise of implied or constructive powers; or at least that they are more strict constructionists than others; that they are opposed to the exercise of powers not expressly granted; and so am I, Mr. Chairman. If there is any plain line of demarkation between the opinions of Virginia politicians and others, in regard to the powers of this Government, I have never been able to discover it.

It is true that parties have differed about the power to pass particular measures; but there is no general rule of construction on which the statesmen of this country have differed, at least in practice. Those in opposition have, under every administration, assailed the constitutionality of measures adopted by those in power; and those in power have uniformly exercised all the powers in their opinion necessary and proper to sustain their policy and accomplish their objects. If politicians of the Virginia school have, in practice, observed a more strict construction of the constitution than others, I have in vain looked for evidence of the fact. Mr. Jefferson, Mr. Madison, and Mr. Monroe, united in the purchase of Louisiana, and its incorporation into the United States, the constitutionality of which was controverted by the statesmen of the Eastern States; and the correctness of their constitutional objections was admitted by Mr. Jefferson himself; but he justified the act on the ground of necessity. He considered the acquisition necessary, to secure to the West a free outlet to the ocean, and to preserve the Union. After this, a law passed Congress to establish a branch of the United States Bank at New Orleans, which the bank had no right to do under her charter; and, therefore, that act must be considered in the nature of an original proposition, and it received the sanction of Mr. Jefferson, then President of the United States; and other laws were, I believe, passed during his administration to protect this unconstitutional monster.

Mr. P. said that among the first acts for which he ever voted in Congress, was the embargo recommended by President Jefferson, in the winter of 1807, for which there is no express grant of power in the constitution, unless embraced by the clause authorizing Congress to pass all laws necessary and proper to carry into effect the powers granted, &c.; or the power may be implied as incidental to the powers to declare war and regulate commerce. The public men from the Eastern States, or many of them, contended that, under a power to regulate commerce, Congress had no power to destroy commerce. The law, without limitation as to time, declared that no ship or vessel should depart from any port or place in the United States, for any foreign country; certainly one of the strongest measures ever hazarded by any Government.

Mr. Chairman, I do not intend to be understood as questioning the constitutionality of the embargo law. At an early period of this Government, I think the Virginia statesmen supported the constitutionality and expediency of protecting and encouraging American navigation, by imposing discriminating duties on foreign vessels; and, until lately, they admitted the power of Congress to pass a protecting tariff. In the year 1781, the continental Congress, composed of the most godlike men for wisdom and elevated patriotism ever assembled under the sun, passed the first national bank, called the Bank of North America, ten States voting for it, of which Virginia was one, and three against it. After the next bank, first under this constitution, had passed both Houses of Congress, and been presented to President Washington for his signature, in consequence of some opposition to it in Congress on constitutional grounds, General Washington, with that caution and prudent circumspection which characterized his course through life, called on his cabinet for their written opinions on the constitutional question; and after receiving and considering them without reference to men or parties, (for he was above all party,) with that practical wisdom and forecast for which he was distinguished, approved the law. Yes, sir, this father of his country, this Virginia President, decided that a national bank was constitutional.

In 1816, Mr. Madison and Mr. Monroe, regardless of previous commitments, bowed to the voice of necessity and experience, and sacrificed their consistency on the altar of their country's good. Virginia supported Mr. Crawford, a decided supporter of a national bank, for the Presidency; and in that vote, according to the notions of the day, has declared in favor of a national bank. While on this subject, I will add to the authority of Virginia statesmen the opinions of Mr. Gallatin, Mr. Dallas, Mr. McLean, and others might be mentioned, the most enlightened financiers in the country, who have, from a thorough and practical knowledge of the necessity and utility of such an institution, concurred in opinion with the distinguished men to whose authority I have appealed. May I be permitted to refer to the decisions of the Congress of 1791, 1816, and 1832, as high authorities in favor of a national bank?

In the face of this high authority, the experience of forty years of our national existence, and admonished by the present disturbed condition of the country, it is given out in speeches, and strongly intimated by the President in his message, that he will put his veto on any bill for the creation of a national bank; and he speaks further, in his message, of the persevering opposition of the people of the United States to a national bank, and seems to suppose his election a high evidence of public opinion on this question. The conclusion he draws from the event of his election furnishes very slender evidence on this point, for it never has happened that any presidential election has turned on any one political question. The choice by the people of a President is influenced by various considerations, and rarely with reference to any particular question or principle; and, besides, it ought to be recollected that the bank question had been disposed of long before his election, and could not have been the only ground of selection. But if they decided against a national bank, they must have declared in favor of State banks. In pulling down the Bank of the United States, it was distinctly announced to the nation, not that bank agency would be dispensed with, but that State banks would answer the purpose better. The people, therefore, if they decided any thing, have approved the substitute presented to them by those high in authority, who now acknowledge that the substitute of State banks has failed;

and hence it is but fair to contend that the people have only declared against a bank on the condition that the State banks would fulfil their expectations; and, therefore, it would seem to be still an open question, or the decision is in favor of a national bank. If any thing has been decided, it was the question between the administration and the late bank, on the ground of imputed misconduct on their part, and not the general question of a national bank. He was not sufficiently acquainted with the facts to decide on the merits or demerits of the late bank; he had thought it indiscreet in them to issue publications concerning the controversy with the Government, because it did them no service, and subjected them to the imputation of interfering in the elections and politics of the country. For this course there may have been some excuse on the score of self-defence. I certainly never heard of any charge of the kind against the bank before its contest with the administration; and the branches in Kentucky, I believe, have acted fairly and usefully, and to the satisfaction of all parties. I neither, Mr. Chairman, understand the facts involved in the controversy, nor am I disposed to engage in the discussion of them. I am for a good bank, under proper regulations, with a competent capital; reserving to the States one-fourth or one-third of the stock, to be divided among them according to an equitable ratio to be paid out of the proceeds of the public lands; foreigners to be excluded from any direction of the bank; the interest to be moderate, and a majority of the stock to be subscribed by citizens of the United States, with a reservation of full power to Congress to guard against abuses, and insure to the people a sound, stable, and uniform currency, and a fair and faithful administration of its affairs. Mr. Chairman, I have no expectation of a national bank until demanded by the voice of the nation; nor is it desirable that Congress should act in advance of public opinion. I am ready to act, at any time, when a majority shall feel satisfied that their constituents are for it. I shall not be deterred from pressing this subject on the consideration of this House or the Executive by any intimation or menace he may give of a veto, and I deny his right in this way to dictate to or influence the deliberations of the legislative body. In doing so he departs from the sphere of action assigned to him by the constitution of his country. From what part or clause of that instrument does he derive the right to tell the Legislature that he will not co-operate in measures deemed by them necessary for the good of the people?

The constitution makes it the duty of the President, from time to time, to give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; but on what part or clause he claims the right to tell the Congress of those things they ought not, or shall not do, I am yet to learn. The veto power was vested in the President to protect him against encroachments of the Legislature. It is, to the President, a conservative power, and may, on extraordinary occasions, be interposed to stay, for a time, rash and intemperate measures proceeding from high party or popular excitement, and pregnant with very disastrous consequences to the nation; and in such a possible case, not likely often to occur, the President may interpose to throw back the subject on the consideration of the people; but when it goes through the crucible of investigation, and is presented as their settled and deliberate will in relation to matters of concern to the whole nation, I cannot imagine a case where the President could rightfully use his veto to defeat the popular will; and the case is not materially different in regard to constitutional questions. After the nation has long considered and deliberately decided a constitutional question, the President must co-operate with the legislative department, not as he understands it, but as understood by the intelligence of the great community, for whose benefit it was made. The popular will, clearly and deliberately expressed, must control the course of this free Government, and especially on subjects of doubtful policy, and doubtful constitutional power.

To illustrate and support my views of this veto power, Mr. P. said he would call the attention of the committee to the last paragraph of Mr. Jefferson's letter to General Washington, on the bank question, in the year 1791. Mr. Jefferson, after expressing his opinions against the bank, well concludes by telling President Washington that, unless his mind, on a view of every thing, was tolerably clear that it was unconstitutional; if the *pro* and *con* hung so equal as to balance his judgment, a just respect for the wisdom of the Legislature would decide the balance in favor of their opinion. It is chiefly for cases where they are clearly misled by error, ambition, or interest, that the Constitution has placed a check in the negative of the President. This opinion was given to the President at the first session the bank question was agitated in Congress, and before it had been discussed or decided on by the people. How much stronger is the case now, after we have made two successful experiments of twenty years each, after the constitutional power has been three times asserted by large majorities of both Houses of Congress, confirmed by all the other departments of Government, and supported by the opinions of a host of the most enlightened statesmen and patriots of this country? Let it be remembered, that the charter of a national bank does not invade the Executive or Judiciary, and can only trench, if unconstitutional, upon the rights reserved to the States and the people, and is a measure which concerns the interest of the people at large.

If the people and the States, from a conviction of the necessity and utility of such an institution, should call on Congress to establish a bank, on what ground could the President rightfully interfere? Should this measure pass both Houses of Congress in conformity to the public will, I cannot believe it possible that he would venture a veto; but should he, in defiance of the public will, do an act so subversive of the great principle of self-government, for which our ancestors bled, I trust that another Patrick Henry will rise on this floor, and remind those clothed in a little brief authority here, that Cæsar had his Brutus, Charles his Cromwell, and that they had better profit by their fate. Sir, this menace of a veto has no precedent in our history, except an opinion expressed in a message of Mr. Monroe about the appropriation of money for roads, for which he was censured by a friend on this floor. The British monarch would not dare to threaten a Parliament with a veto on a measure demanded by the voice and interest of the nation. The veto power, placed as a shield to protect the Executive and other departments against the invasions of the Legislature, and to stay, for a moment, rash and intemperate action, was never designed by our constitution to defeat the deliberate will of the nation in relation to measures of general interest.

I will not, Mr. Chairman, say any more, on this occasion, of the veto power or its exercise, but will proceed to notice, very briefly, the amendment offered by a gentleman from Virginia [Mr. Garland] to the bill under consideration, for which, I repeat, I will vote, as the least of evils, and continue this State bank agency, whether the deposites are general or special, until the wisdom and experience of the nation shall provide a better. And here he would take leave to remark, that he felt proud that the Old Dominion was the land of his birth, when he saw her representatives stand forth, with manly firmness, regardless of party and the frowns of power, and resist measures of such dangerous tendency; and he begged leave to assure them that he was not hostile to State banks; on the contrary, he believed it was wise for every State to have banks of solid capital, and under prudent management. He was not disposed, (continued Mr. P.) to impair the strength of the State

Governments, because he held them to be essential pillars of the temple of American liberty. While he was not prepared to go the whole length of nullification, his observation of the course and tendency of this Government for a long period had convinced him that the strength of the State Governments must be maintained, and that they were the great bulwarks around which the people must occasionally rally to arrest the anti-republican tendencies to which the central power is liable in the hands of wickedness or folly. At the same time that I express this view, with unfeigned sincerity, I must be permitted to say, that the national Government must be allowed the full and fair exercise of all the powers assigned to it, according to a fair interpretation of the constitution, to enable it to accomplish the objects for which it was intended. The powers were granted to Congress to regulate commerce, external and internal, and to coin money and regulate the value thereof, in exclusion of State power; and it would be a violation of the spirit and intent of the constitution to withhold from Congress any of the means fairly necessary and proper, and clearly adapted to carry into effect the objects of those grants of power to which I have referred. An unreasonable distrust or jealousy ought not to be indulged of this Government more than of other Governments created by the people, from whom both State and National Governments had emanated. Our national compact, whether of the people in the aggregate, or by the States in their sovereign corporate capacities, ought to receive, especially in regard to powers and subjects to which the States are not competent, a fair and rational interpretation, to accomplish the object of the parties to it, instead of an over-strict, technical, or metaphysical one.

His conservative friends, he said, must pardon him, while he admired their manly independence, to say, with great deference to their intelligence, that, according to his reflections on the subject of commerce and money, they are only half right. We agree, if I understand them, that an exclusive metallic medium will not answer over this extensive country; and that our social and commercial intercourse and business requires a paper representative of gold and silver, otherwise called bank money; for bank notes of undoubted credit, and convertible everywhere into specie, are money, for all the purposes of human society. If a paper medium is necessary—if one is to be coined or manufactured for this people, I put the question to the candor and intelligence of those gentlemen and all other gentlemen on this floor, whether, according to the divisions of power established between the State and national Governments, that medium ought not to emanate from the Federal instead of State authority? And if gentlemen could only free themselves from their commitments, and disregard of what is termed consistency here, they must respond in the affirmative.

Commerce and currency are certainly placed by the constitution within the sphere of national legislation, and the paper medium or bank money representative ought to be issued by a national bank of universal credit and confidence, and on a foundation as firm as the Government itself.

It is essential that any paper substitute for specie, to make a currency over the whole nation, and convertible into specie everywhere, must have a national character; and I now put it to gentlemen, to answer whether it is possible to make the notes of the banks of twenty-six States current everywhere, and constitute a uniform and stable currency for this people? Is it in the power of this Government to nationalize the notes of all these banks, however solvent they may be, so as to give them a par value everywhere? And if they cannot, the harvest of the brokers must continue, and the losses to the holders of notes must fall chiefly on the laboring, farming, and planting classes of the community.

It is impossible for the great body of the people to know the condition or credit of all the local banks scattered over this vast country; hence the necessity of a medium with the national stamp on it. The people may be acquainted with the condition, and have confidence in the banks of the State or neighborhood in which they live, but few can know much of distant institutions.

In the most prosperous season of trade and business, when there existed little distrust of banks, it was difficult to travel in different States with local notes, and they were generally under par at a distance from the banks of issue, and had to be sold to the brokers. Mr. P. said he could not believe that this Government ought to be dependent on the agency of banks not responsible to them, but under the control of the States, and he had other strong objections to this connexion; but he preferred them to the plan under consideration. In addition to the objections he had urged against this bill, he would observe that these sub-treasuries were to be dispersed over the country, and to be inspected by the agents of the Secretary of the Treasury, and their reports, through him, would be all the information which it would be practicable for Congress to obtain. A large portion of the public money might be purloined from these sub-treasuries, which it would be impossible for Congress to detect, without sending committees to all these distant places to examine things and count the money, and then, without an inspection of the whole, the most vigilant scrutiny could be eluded. It cannot be expected (said he) that the members of this House can absent themselves from their duties here so long, and encounter the labors such an examination would require.

Mr. Chairman, we have now twenty-six States, with unlimited power to make banks beyond the direct control of Congress, and the banking system has taken such a deep root in our country that it is the extreme of folly to think of exterminating it; and if one State banks, another will, and this system must remain a permanent part of our domestic policy. These banks furnish, and will continue to furnish, local currencies for the people; and the inquiry is, whether this Government ought to guard them against the evils of the system, and what are the best and most practicable means of doing so? Every administration, commencing with that of Washington, down to the present, has considered it the sacred duty of this Government to use the best means in their power to cure disorders in the currency, and insure to the people a stable and uniform measure of value for commerce and contracts of every kind. Can it be expected, however we may get along in good times, that, in a commercial or pecuniary convulsion or war, these numerous local banks can have general confidence in each other, or can be united and act with that concert which is necessary to sustain credit and confidence and a good uniform currency during the shocks incident to periods of difficulty and danger? Alarm and distrust overspread the country; moneyed men and holders of notes run on the banks, and force them to close their doors; business of every kind is suspended; thousands are thrown out of employment, and the public tranquillity endangered. A wise Government ought not to content themselves with the means of managing the vessel of state in pleasant seasons, and when temperate breezes only are to be met with, but should be prepared to keep her steady and moving in the great current of the public interest in the most tempestuous seasons. Throughout our past political history, the strong ground taken against a national bank has been, that State banks would answer; for, at all times, it has been admitted that bank agency was a necessary and important auxiliary to the fiscal and commercial operations of the country. Twice has that agency failed; twice, for a period of twenty years each, has the agency of a national bank succeeded to the full extent of public expectation; and yet will those charged with the control of public affairs obstinately adhere to the

ground they have assumed. If gentlemen believe their constituents are opposed to a bank, I will not ask them to oppose their will; I will, however, I must, exhort them as friends, fellow-citizens, and patriots, when they return among the people, to tell them with frankness that there is no other effectual and permanent cure for the disorders of the State but a national bank.

Gentlemen must be sensible that, in the exigencies of war and the revulsions of trade, a national bank, with a competent capital, with well established credit and confidence, at home and abroad, would be able, with the aid of the Government, to do more to sustain public and private credit and confidence, keep the monetary system sound and regular, and avert the evils incident to the perils of war and shocks in trade, than a thousand local insulated institutions, with no common head, jealous and afraid of each other, which, in a moment of panic, would each revolve on its own axis, and take care of itself. What occurred twenty years ago, will occur again; when another bank shall be established, the small fictitious banks will be wound up; others of sound capital will dissolve and subscribe their funds to a new bank, and those of good and large capitals, freed from the competition of swindling institutions, will be able to do a fair business in harmony with a national institution. A new bank, if established, will be required to locate branches, one, at least, in every State, which will be particularly advantageous to the Western and Southwestern States. The capital and wealth of the South and West consists chiefly of land, live stock, and slaves; and the people there are more disposed to vest the fruits of their industry in such property than in bank stock, yielding a moderate profit of five, six, or seven per cent.

The interest of money in the West is high; in some of the States the legal interest is ten per cent., and the people of those States have little motive to put their capital in banks, who must lend at five or six per cent. The property of the commercial States consists, to a great extent, of money derived from the profits of trade, and they are willing to vest their capital in good stock, yielding a moderate profit; and they would prefer stock in a national bank, because more valuable, and under the protection of the constitution and Government of the United States. Their capital, through the bank, would be diffused over the nation, according to the demands of trade and business, and would aid and encourage the trade, enterprise, and industry of the West, and especially of the new States of the far West. It would facilitate their exchanges and commerce, and every branch of their industry. The traders from the interior States of the West to the South and West would be able to do their business in a currency which would pass everywhere, and remit their funds from place to place without hazard or loss.

Sir, this bank, with its branches diffused over our extended country, part of the stock belonging to the States, would be a bond of union. Every man using a note of a national bank, would, in feeling at least, be in some degree identified with the National Government. The power and influence of such an institution is an objection urged by some, to which (Mr. P. said) he would answer that he believed that the State institutions exercised forty times as much influence and power over the political affairs of the country as had ever been used by both Banks of the United States. Nor can (continued he) any bank exercise one-hundredth part of the power and influence which belongs to the Post Office Department alone. The same objection of power was urged against a navy, at an early period of this Government; it was said that the navy would be an instrument of power in the hands of the Government, but time and experience had overruled all objections to this strong arm of our national defence. The navy is not only a weapon of defence and protection to our rights on the ocean, but a powerful bond of union. Our ships of war do not belong to any State; they are the common property of the nation; and every victory or defeat vibrates through every fibre of the body politic.

The strong ground of objection, and the one chiefly relied on at all times, has been that the constitution does not authorize the creation of a bank, while its utility and convenience have been generally admitted. I shall not enter at large into a discussion of this objection, nor have I the vanity to suppose that I could shed any new light on a question on which the intellectual powers of a Hamilton, a Gallatin, a Marshall, a Pinckney, a Crawford, a McDuffie, and a host of others, the most distinguished statesmen of our republic, have been exhausted, supported by the cool and deliberate opinion of the Father of his country, sanctioned three several times by large majorities of both Houses of Congress, and, at a late period, after a long trial of its utility and necessity, confirmed by the opinions of a Madison and Monroe, two of the elders of the Republican church. One fact, often mentioned in the public prints, and much relied on here, I must be permitted to notice; and that is, that the convention rejected a proposition to grant charters of incorporation. I have not examined the proceedings of that body; but, if the fact be as stated, it proves nothing, because that proposition was for a general power to grant charters of incorporation. That was, I think, very properly refused—nor is such a power contended for by the friends of the bank. It will be a sufficient set-off to that fact to state another, and that is, that in the same convention a proposition was made to grant Congress a power to emit bills of credit, and that it was rejected. Now, sir, it is well known that, during the late war, Congress did issue bills of credit; and the bill passed at the present session, to issue Treasury notes, approaches very nearly, if not entirely, to bills of credit.

If it be fairly necessary and proper to grant a charter to carry into effect any of the great powers granted—if such a measure is a necessary auxiliary to effectuate other powers, and it has a fair relation to them, then the bank is constitutional; and, if money is not to be had to meet the demands of Government by taxes or loans, if it is necessary to resort to an issue of notes, then it may be constitutional. I voted with much hesitation for this Treasury note bill, because it authorized a larger sum than appeared necessary, and it seemed to me more congenial with the spirit of the constitution to borrow money directly than to do it indirectly; but as the amendment to borrow directly failed, and the interest on the notes gave it the appearance of a loan, I voted for it to relieve the Treasury, and give some relief to the country. I entered this House, with no disposition to find fault or embarrass the administration. I voted for indulging the merchants, and will give time to the banks to enable them to indulge the people, and would have voted for the postponement of the fourth instalment provided the House had adopted the amendment offered, making it the duty of the Secretary of the Treasury to pay the money at the period to which payment is postponed; but, sir, I felt constrained, by a regard for principle and the public good, to exert my feeble powers against the passage of this sub-Treasury bill.

Mr. Chairman, I had more to say to this committee, on the several subjects embraced in this debate, but I feel too much exhausted to proceed, and will therefore conclude with urging on the consideration of the representatives of the people the propriety of postponing a final decision on a measure of so much importance, and involving principles of such great magnitude, until public opinion can be pronounced upon it. If the measure be doubtful in principle or policy, we ought to avoid the appearance of precipitancy; respect for our constituents, who have had no opportunity of making known their sentiments, and who are to be bound by this measure, require that the final action on this bill should be suspended until the next session. Let us

think a little more ourselves, and afford our constituents an opportunity of thinking and speaking also.

Before Mr. POPE had concluded his remarks, as given entire in preceding pages, he was arrested by the hour, and the House took its usual recess till 4 o'clock.

EVENING SESSION.

The Committee of the Whole met at four o'clock, and had to wait long for a quorum. Mr. POPE had the floor, but yielded it for a short time to

Mr. CUSHMAN, who observed that, as the gentleman from Kentucky had made a personal allusion to him, he would, with that gentleman's leave, say a word or two by way of explanation. It is true, as that gentleman says, that while the report of the Committee of Ways and Means was under discussion, and after it had been debated during the morning hour for several days, he moved the previous question. It is true, also, that the honorable gentleman from Kentucky asked him to withdraw the motion, that he might make a few remarks upon that subject, and he now complains that he was then prevented from so doing by the above-mentioned motion.

Mr. C. said there were two reasons why he did not comply with that request. The first was, that there was around him a general desire that it should not be granted: and if he had withdrawn it, the same motion would have been renewed by some other gentleman. Secondly, that the subject of a United States bank had, for the last five or six years, been the common theme of discussion in every city, town, village, and hamlet in the country. It is true, he said, that several gentlemen, during this debate, had declared that the subject of *a* bank has not been before the people for their discussion, but it was *the* bank.

Mr. C. said if gentlemen would only go back to the re-election of the late venerable President of the United States, they would find that that Presidential canvass was put upon the question of bank or no bank. *A* bank, *the* bank, or any bank, were all denounced by the people at that time, as appears by the result of that election. It was the pivot upon which that election turned. But if the subject of establishing *a* bank was not before the people for consideration at that time, the whole subject was before them during the election of the present Chief Magistrate of the United States.

Mr. Van Buren, before the late Presidential election, in pursuance of a call which was made upon him for that purpose, declared, in the most unequivocal manner, that he could not sanction an institution of that character; and this was the pivot, also, upon which that distinguished individual was elevated to the Presidency. Twice, therefore, have the people declared that a United States bank ought not to be established.

Mr. C. observed that, from the course which he had thought proper to pursue, some gentlemen may have supposed that he was disposed to check, unnecessarily, the freedom of debate. But he would assure gentlemen that they mistook his character altogether. He would go with him who would go farthest to protect the great vital principles of civil and religious liberty, the freedom of speech, the liberty of the press, and the right of petition. These sacred rights he never would yield but with the last breath of life.

But there is a very wide difference between the rightful exercise of these invaluable privileges, and a wilful abuse of them. To correct this evil, this abuse, the rule regulating a call for the previous question was adopted as a part of the by-laws of this House; a rule which has existed ever since the formation of the General Government. A similar rule has been adopted by several State Legislatures to correct the abuses which are the subject of so much complaint in this House. In fact, nothing of any importance could be accomplished in this House without such a law.

On the east side of the Atlantic, in the Spanish Cortes, the question asked is, "Has not this subject been sufficiently debated?" If this question is responded to by a majority of that body, an end is put to the discussion, and a vote taken on the main question. This is the operation of the rule for the previous question in this House: the design of the motion is to ask the House if the subject under consideration has not been sufficiently debated, and cannot be enforced without a majority of the members present. As the gentleman from Kentucky states that he merely alluded to him as stating a fact, and not for the purpose of impugning the purity of his motives, Mr. C. observed that he would close his remarks by stating, that, so long as his fellow-citizens of New Hampshire should provide him a seat upon this floor, he would faithfully and independently execute his political trust; and should any gentleman, here or elsewhere, dare to question the purity of his motives, he would pronounce him a base calumniator. Mr. C. was here interrupted by

Mr. WM. COST JOHNSON, who said that he rose to a point of order. He said that he rose to arrest the current of the honorable gentleman's remarks with great reluctance; but he considered them so out of place at this moment, that he was constrained to protest against their further continuance.

We are now, Mr. Chairman, (said Mr. J.,) within a few days of an adjournment, and have to decide upon an important bill; and, in the midst of this discussion, the honorable gentleman from New Hampshire [Mr. CUSHMAN] thinks fit to consume the time of the House by discussing the merits of the previous question, which he called some four or five days ago. Then was the time for explanations, if the gentleman thought any necessary. But his object was then to arrest explanations and discussion upon the merits of a resolution which the chairman of the Committee of Ways and Means thought fit to introduce, but was afraid to have discussed. And now the honorable member from the Granite State feels a strong propensity to enlarge upon it. Yes, sir, with great and peculiar emphasis, he now discusses *a bank* and *the bank*, and called the previous question upon it, after but one member had spoken upon the subject. Why did not that gentleman use that occasion (said Mr. J.) to discuss a bank and the bank? He has edified the committee with his learning and research upon the history of the previous question; and after making a great display of his exalted patriotism in defending the freedom of debate—and we must, in giving him the credit which he claims for the patriotism of his notions, listen to his pretensions, and not judge him by his acts—he refers us to the high authority which he has culled from the east side of the Atlantic. He has talked about Turkey, and has shown that he has precedent for the gag-law in the example of the Spanish Cortes. The gentleman is as unfortunate in his authority as he is in the time of his using it.

The gentleman can find authority in the Spanish history for the inquisition; and from his readings of Spanish history, and adopting their principles for his standard of action in this hall, we may account very rationally why he has so often called the inquisitorial and detested previous question—the instrument of petty tyranny all over the world. And, to use the gentleman's own figure, he is the "pivot" around which that question has so often wheeled in this hall. But I urge the distinguished gentleman to forbear in this discussion, for he has already reaped honors enough in that barren field, for his head now blooms and blossoms with the glories of the previous question.

[Here Mr. CUSHMAN rose, and said that his object was not to consume the time of the House, but he had risen to explain, by the courtesy of the member from Kentucky, [Mr. POPE,] who was entitled to the floor.]

Mr. J. said that he utterly denied the right of the mem-

ber from Kentucky, or of any other member, to allow the gentlemen from New Hampshire to consume the time of the House, at this stage of our proceedings, in discussing the merits of the previous question, which the gentleman from New Hampshire called some weeks ago. I have tried (said Mr. J.) several times to gain the floor, in order to speak upon the bill now under debate, and have failed. I wish to give my views upon it; but, knowing the propensity of the honorable member whom I have interrupted to call the previous question, I have no guaranty that I might not be precluded from speaking at all. And if the gentleman, whom I regard as a living personification of the previous question, will not desist from this discussion, I will be constrained to use his own remedy upon himself, and will call his own previous question upon him. I hope, in concluding, that the gentleman from Kentucky will be permitted to resume the floor.

Mr. POPE then resumed the course of his remarks, which he continued till long after lights had been brought into the hall, when, being exhausted, he sank into his seat without having closed his speech.

A motion was now made for the committee to rise; but

Mr. W. COST JOHNSON, having conferred with Mr. Pope, stated that the gentleman had no objection to Mr. J.'s taking the floor at this time, in the confidence that the House, in the morning, would permit him to conclude his remarks. Such seeming to be the general understanding,

Mr. JOHNSON rose and addressed the committee as follows:

Mr. Chairman: I return to the honorable member from Kentucky [Gov. Pope] my thanks for yielding the floor to me before he has completed his remarks. After having spoken for four hours, his physical energies have yielded before the rich abundance of his mind is exhausted on this interesting question. I feel (said Mr. J.) how perilous my situation is in attempting to follow the learned and distinguished member who has just taken his seat. At this late hour, too, when the committee have been so long in session, I am strongly apprehensive that I may not compensate them for any portion of their attention. I must therefore throw myself upon their magnanimity. But before I enter upon the subject under discussion, I feel it a duty which I owe to myself and to others, to give a passing notice to an observation which fell from the honorable member who last addressed the committee.

The honorable member remarked, in the course of his observations, in substance, that the friends of the administration, or some of them, had said that the opposition had a few years ago made charges against the Post Office Department, and, among others, his friend, the late Postmaster General; and that the administration sacrificed some of the members of that Department (at least the chief clerk) to the avenging deity of the relentless opposition. I do not for one moment suppose (said Mr. J.) that the honorable gentleman purposed any personal application of his remarks to any particular member of the opposition, but spoke of the opposition as a party. But having been a member of the twenty-third Congress, when the administration of the Post Office Department was made a subject of special examination, and the report upon that examination was submitted to this House, I felt it my duty to take an humble part in a debate in this hall in relation to the abuses committed in that Department. And my name having been thrown before the public in connexion with that discussion, and with a collision with the late Postmaster General and his son, I feel warranted in now alluding to it, from what has been said, and in giving an explanation which circumstances at the time rendered it impossible for me to do.

When a bill was under discussion in this House giving, as I thought, increased patronage to that Department, I took occasion to oppose its passage, and to animadvert upon the corruptions which were proved to exist in it. A spirit of intimidation then still lingered in this hall, and clearly manifested itself, I thought, on the night of that discussion; for, during that session, a member had been waylaid on the street and attacked for words spoken in debate; and, but shortly before, other members had been beset and assaulted. I saw, or thought I saw, that there were members willing to place themselves between the officers of Government and the members of this House who wished to scrutinize their official conduct. I was soon left alone on one side in that exciting discussion, and, fancying I saw its result in advance, took the distinct ground, when daggers were spoken but none used, that I was willing and ready to hold myself responsible to any member of this House, or to any officer of Government, who might imagine himself aggrieved by my strictures. That was the position I assumed—perhaps rashly—but still it was the position. The next morning, in this Capitol, and before I entered this hall, I received a laconic note from the Postmaster General, by a gentleman whom I had never seen before, but whose bearing convinced me that he was a gentleman. There was no threat written in it, but, from its peculiar brevity, I regarded it as a threat; so did two honorable gentlemen of this House to whom I submitted it. I felt it to be my duty to give it a very short answer. Soon after, I received a challenge from the son of the Postmaster General—a gentleman whom I have never seen in my life. I accepted it. By the advice, I apprehend, of others, it was withdrawn. Rumor reached my ear that I was to receive some two or three more, and was to be caned by I know not how many. Under such circumstances, I would neither explain nor authorize any friend to explain in my name, as an honorable friend in this hall will well remember. The system of interrogatories I dislike at best; but, according to my sense of propriety, I can never bring myself to answer them when they are blended with even the shadow of a threat.

But now that the late Posmaster General is no more, and the restraining circumstances of the affair have passed away, I embrace the opportunity which the remarks of the honorable member have afforded me, to say, in my place, that I never designed to charge the Postmaster General with peculation, though I was unwilling to except him from the charge (of which I had proof enough to convince my judgment) that it did exist at that time in the Department. I deem it due to myself, due to those whom he has left behind him, his relations and friends—and the honorable member as one of those friends—to say, that I had no proof that he was corrupt, nor do I believe that he was a corrupt man in the moral or legal sense of the term. The most that I meant to say was, that when corruption was proved to exist in a department, the censure should fall with the heaviest force upon the head of that department, if he did not suspend the guilty subordinate.

But I dismiss this subject, now and finally, and will attempt to approach that immediately under debate.

Mr. Chairman, (said Mr. J.,) when Sir Walter Scott was asked why it was that he had not written the life of the Emperor Napoleon in one instead of three volumes, he answered, because he had not time! And if I should trespass upon the kind indulgence of the committee a little longer than it may think judicious, I beg the committee to receive in advance, as my apology, that I have not had time to investigate, in all its bearings, the important subject before us, and to arrange my reflections in perspicuous brevity, which is the best proof I know of a familiar knowledge of a subject.

Day and night have we been occupied in this hall, for weeks past, without hardly taking respite for sleep, in investigating the important bills which have been crowded upon our attention; with not even time to eat with comfort, and with scarcely a spare hour to read the budgets

daily placed on our desks, or to spend in examining books of knowledge, or be occupied in quiet reflection.

The experienced debaters, and the learned members of this House, may easily surmount such obstacles; but the humble member who claims your indulgence feels them with the strongest and almost overpowering force. Notwithstanding such embarrassing considerations, I am unwilling to give a silent vote on the bill before the committee, but will assign, as briefly as I can, the reasons why I shall give a negative voice.

We have been assembled, Mr. Chairman, in extraordinary session, and have already acted on some most extraordinary bills. But the most extraordinary ever presented to the consideration of this House, with an earnest and specious hope of being received with favor, is the bill now under debate. A bill of no less a nature, in my judgment, than one calculated, if passed, to obliterate some of the brightest features in our constitution; to annul in its operation almost all the statutes which so carefully guard the mode of receiving and disbursing the public revenues; in one word, a bill to take from the representatives of the people all supervision and control of the public moneys, and to place in the Executive hand, which now has control over the army and the navy, the appointment of an almost illimitable number of public officers, and has command of the militia when in the actual service of the United States—to place in the same hand, to receive and to pay out, without scarcely a check or restraint, all the public money of the nation.

The request from the Executive to be possessed of such delicate and enormous power greatly surprised me; to find the representatives of sovereign States tamely acquiescing, completely astonished me; to find it advocated on this floor by some of the representatives of the people, who, under the constitution, are the purse-creating and the purse-holding power, has awakened into alarm every hidden apprehension of my mind.

What proofs of superior knowledge and superior usefulness has the Executive given, to warrant a surrender of power to its discretion? Has it shown, from the prudent exercise of powers delegated to it by the constitution and the laws, that, to promote the interest of the nation, its powers should be amplified and new authorities delegated? That, to promote the interest of the people, you must abandon your trust and your duty, and give almost unlimited discretion to the Executive will? That the Executive will better administer your duties than the conjoint wisdom of the representatives of the people? Or does the President even place his request upon the pretext that, by your surrendering into his hands all control over the money of the people, it will give them relief in their present distress, and equalize the exchanges and currency of the country? Even this plausible argument is not offered, but is distinctly repudiated in the Executive message. No argument of this sort is offered; and yet you are asked to make the surrender simply to gratify the executive pleasure. But, Mr. Chairman, I would not care how strong the reasons might be that could be assigned; if they were ten times as strong as any I could imagine, I never can be guilty of violating, by voting for such a measure, the whole genius and spirit of the constitution—the essence of every republican constitution in every representative Government. So far from the Executive exhibiting superior sagacity and prudence in regulating the financial operations of the Government, it has shown itself most culpably inefficient to discharge the duties required by the existing laws, and those which it has assumed, in violation of both law and usage. I have not even a shadow of doubt in my mind, that all the embarrassments in our country, in the currency, and in business of every kind, are in a chief degree chargeable to the Executive of the last four years.

To justify this allegation, I am constrained to allude briefly to the past, but shall take only a rapid glance at circumstances that have transpired, as that ground has been most ably occupied by members who have preceded me in this debate. When, Mr. Chairman, did any country present as great a degree of prosperity as this nation did at the time that General Jackson commenced his unrelenting hostility to the late Bank of the United States? What country on earth possessed a better currency than this did at that time? What country afforded such a reduced rate of exchanges? Where was labor better rewarded? Where was industry better recompensed? Search the inhabitable globe for a parallel, and you will search in vain. Where was an institution better organized and conducted, and its paper more readily received in every part of the United States, if not in every part of the world, by people of every pursuit, from the centre to the remotest borders of the Union, than the paper of the Bank of the United States? It had realized more than had been predicted by its most ardent advocates in 1816. It had been chiefly instrumental in effecting and maintaining, for nearly twenty years, what I regard to be the great desideratum in a country where agriculture, planting, manufactures, and commerce lean upon and support each other—a convertible paper currency—bank paper converted at the will of the holder into gold and silver. Such was the state of the currency four years ago. Bank paper was not only convertible into silver at the counter of the bank that issued it, but was convertible everywhere in the interior at the counters of retail merchants, who were always glad to exchange their silver for bank notes, which better suited their purposes for transmission. Peace and plenty gladdened the whole land; content and cheerfulness were found in the most humble cottage as well as in the more costly edifice; a prospect of universal prosperity was then presented, on which the mind loved to dwell. I will not expatiate upon it, but content myself with a simple narration.

General Jackson, in the plenitude of his power and unparalleled popularity, had forced, by his system of proscription, most of the officers of the Government to become political partisans. To be an active partisan, to gain preferment, was a *sine qua non* with him. The political armor was put on, and each saw written on it, "this is the road to Byzantium." The president of a northern branch of the United States Bank had displeased some active partisan, and the mother bank refused to dismiss the honest and independent head of the branch; that partisan infused the venom of his feelings into the bosom of General Jackson. Threat after threat was made, in the President's messages, against the United States Bank. A better currency was promised the people, if they would unite with the Executive in destroying that institution. That promise had a charm in it, as all persons are anxious to better their condition; and all believe, however prosperous, that their condition can be improved. But still an honest and upright Congress refused to lend itself to the malignant purposes of the Executive, or to gratify his splenetic will. Congress was in favor of renewing the charter of the bank. The Executive veto nullified the will of the representatives of the States and the people. Congress refused to gratify the will of the Executive in ordering the Government deposites to be removed from the Bank of the United States, where the law had placed them; but he, with ruthless hand, seized upon the public treasure, as Cæsar had done before him, and parcelled out the money of the people among a host of State institutions, which he now testifies are the most unprincipled and profligate in the annals of history.

Those institutions were urged by the Secretary of the Treasury to discount most liberally upon the deposites of the Government; and as slaves always most readily obey the first orders of a new master, they not only discounted

paper offered to them, but in many cases invited customers. Congress altered the standard of gold, and reduced its value. (I rejoice that I had the honor to vote against that bill.) Europeans sent their gold here to be coined, and then ordered it home again. The Neapolitan and French indemnities were adjusted, and imported in gold. This was hailed as the millennium of the golden age, and General Jackson was told by his flatterers, and believed it, that he had at last discovered the Philosopher's stone. Jaundiced-eyed and near-sighted politicians, whose minds cannot realize causes and effects, or discriminate fictitious from true and abiding causes, thought that they had really worked a specie miracle; and the General himself read his valedictory, "still harping" on the monster bank, and congratulating himself and the country on the experiment which he had tried in his humble efforts to improve, as he said he had, the currency of our country. But I am fast in my chronology; there is one other remarkable event which I wish to allude to. Before General Jackson retired from office, a distinguished Senator, who had aided much in building up the golden image which he wished all to fall down and worship, made a political prediction, that, if the people of the West would co-operate with him in destroying the Bank of the United States, they would see, in violation of all the laws which govern fluids or solids, gold flow up the Mississippi. They believed, and looked with anxious hope, but looked in vain. He conceived the expedient whilst Congress was in session, but revealed it perhaps to few—lingered until Congress had adjourned, and then, "solitary and alone," he thought he would set the golden stream in motion. Congress ordered the Secretary of the Treasury to receive the notes of specie-paying banks and gold or silver in payment of public dues. The alchymical operation was to be effected by a disregard of the law, and the Secretary of the Treasury was ordered to issue his famous proclamation, demanding nothing but gold or silver for public lands. The prediction was realized: gold and silver flowed up the valley and over the mountains, but flowed in steamboats and in stages—flowed to the land offices and to the banks of deposite, but never into the pockets of the working people of the West.

This last act broke the glittering dream, and the veil of Mokanna fell to the ground. Convertible paper and gold were no longer synonymous; Government, which should have been the last, was the first to make the distinction. Gold and silver were at once more valuable—for the article most in demand in this country is land; and the Government is the largest (because it is the greatest proprietor) and cheapest seller, and can control the market value. Thousands daily purchased public land, and of course thousands were forced to procure specie. It soon became an article of merchandise, to be bought in the market, rather than a medium of exchange. The banks found their paper returned upon them, and their specie almost exhausted, and wisely suspended specie payments; and the deposite banks were the very first to set the example. Confidence became impaired; the banks had been pressed by those who held their notes, and they, in turn, called on their debtors, and the debtors of the banks called on all who owed them; thus the pressure passed the whole round of the circle of trade and business. Panic, dismay, confusion, and bankruptcy, followed in quick and fatal succession. The Government could not escape the consequences of its measures, and suspended specie payments.

The last Congress, foreseeing the evil consequences of the specie circular of the Treasury Department, passed a bill rescinding that order. General Jackson treated it with contempt, placed it in his pocket, and retired to the Hermitage, denouncing the insolence of Congress in sending a bill to him which questioned the wisdom of any measure which he had ordered. Mr. Van Buren, who succeeded to the Presidency, was urged most earnestly to rescind that circular, but he refused. When he saw, as he ought to have seen, its evil tendency, he should have yielded to the counsel of honest and practical men. I will here say that, whilst I believe that the evils of that measure might have been in some degree softened if Mr. Van Buren had rescinded the order after the fourth of March, I do not think that it would have prevented a suspension of specie payments: it would have changed the direction of that suspension; much of the silver would have been drawn from the West to the Atlantic and to the Southern cities, and would have, in some degree, relieved them; but that would have forced a suspension of specie payments by the Western and Southwestern banks, which would have been quickly followed by the banks of the commercial and large cities. When silver is at a premium, it is impossible, in the nature of things, for the paper of any bank to remain long in circulation, or for any bank to throw out its paper to any useful extent to the people, and redeem it with the precious metals.

From this train of measures and circumstances I trace the causes of the suspension of specie payments by all the banks, the great confusion and embarrassment in business of every kind, the distresses and bankruptcies which occurred, and the confusion which has overwhelmed both the people and the Government. From such measures you can trace consequences, with the same unerring accuracy as the human eye can mark the path of the desolating whirlwind.

Amid this disastrous crisis, the President issued his proclamation convening Congress, which he had positively refused to do a few weeks before. We assembled, some of us with hope, some with apprehension, though all equally anxious to know what measures would be recommended, and what position the Executive would assume. Some thought that the President would recommend the sub-Treasury system; others, a retrial of the State banks; whilst others hoped, at least I did, that he would throw himself upon the advice of Congress. This was really my belief, as well as my hope. His appointment of Mr. Poinsett at the head of the War Department had inspired me with some hope of better things. No man, save one, who had been born either south or west of Pennsylvania held a place in the cabinet. And the appointment of a second, and one so highly worthy and eminently qualified, was, I thought, the harbinger of some salutary changes. So first-rate men are in office, I care not from what quarter they are taken, or where may be their birth-place. But I do maintain that every prominent place should be filled by high-minded and efficient gentlemen, who understand their duties, and are prompt to discharge them. I came here with no pledged hostility to his administration, and, personally, I had a very high regard for the President. My situation here is peculiar. I have been elected by the aid of both parties. If I were to consult the feelings of a majority of the persons who voted for me, rather than the opinions of a majority of the voters of the district, I would pause in my course. But, when entrusted with a public duty, I do not feel at liberty to be governed by feelings of personal predilection or antipathy. I feel bound to take a more expansive view of the whole district and the nation.

When we assembled here, speculation was at once hushed by the receipt of the President's message; and I must confess I was greatly disappointed. I had read his famous letter to Mr. Sherrod Williams, in which he considered the State banks as Government depositories, and said how admirably the system worked—where he denounced the United States Bank, and promised to tread in the footsteps of his illustrious predecessor. I thought all this was the mere electioneering language of the day, and that, when once in office, he would make himself the President of the people, and not of a party. All my expectations were disappointed; for almost the first thing he informed the representa-

tives of the people whom he had called together—who assembled here fresh and warm from the midst of the people—was, that if they should dare to pass a bill to establish a bank of the United States, he would be a lion in their path; that he was armed with a veto power, and would assuredly use it. Such language is unprecedented in the history of this or any other country. The President, in his inaugural address, informed the people that if a particular measure should be passed by Congress, he would use the veto. I thought that unnecessary and uncalled for, but supposed it was designed for Southern effect. A veto in that case would be unnecessary; nor did Mr. Van Buren, or any one else, suppose that he would ever be called on to redeem his pledge; for, Mr. Chairman, whenever the Congress of the United States shall so far forget their compact with Maryland as to violate private property in the District of Columbia, your jurisdiction will end, and that of Maryland will begin, over all that part of the ten miles square north of the southern bank of the Potomac river. I may go farther: that moment this House shall contain a majority of members who will be so reckless as to vote for the abolition of slavery in the District of Columbia, the annunciation of that majority by the Chair will be the sounding of the death-knell of the Union.

Before Mr. Van Buren is six months in office, before a single bill or resolution has been sent to him for his signature, he has voluntarily, gratuitously, stepped out of the line of his duty, to inform Congress that upon at least two measures he will use his veto. I have an hostility to the veto power, and can never be reconciled to its use. The framers of our constitution placed it in the hands of the Executive, under the fallacious belief that it is the weakest of the co-ordinate branches of Government. Sir, the framers of the constitution and the authors of the Federalist were mistaken. The Executive is more powerful than all the other branches put together. All power is fast consolidating in the Executive hands; and the Executive history of the last four years is sufficient to justify the remark without any proof. They thought it harmless, because they found it obsolete in England, though existing in the English constitution.

The Government of the United States is the last in the world which should tolerate the veto power. There may be some plausibility for it in the State constitutions, which secure to the people the right to elect both branches of the Legislature; for there both branches may be moved, in a greater or less degree, by the same commotion or popular impulse. But even in the constitution of my own State, where the Senate is not elected by the people, the Executive is denied the veto power; the constitution says the Governor *shall* sign the laws. And it has been judicially decided by our highest courts, that laws which have passed the General Assembly, or both Houses of the Legislature, are valid without the signature of the Governor. And that is almost the only feature in the Maryland constitution which, I think, could not be changed for the better. And in the Federal Government, also, every useful caution exists in framing laws, without the existence of the oppressive veto power in the Executive. In our Government, part representative, part confederative, no law can be enacted without its first receiving the sanction of the representatives of the people; or, in other words, a majority of the people in their aggregate capacity, without distinction of States, control in this House. In the confederate branch, where the sovereign States are equal, a majority of those States must give sanction to every bill. What greater safeguard can there be to liberty than to require first the concurrence of a majority of the people, and then a majority of the States, to every measure of public utility? Every restraint beyond this is actual, real oppression. I regard the abuse of delegated power to be as obnoxious to censure as the usurpation of power. And an Executive places itself within the range of that censure, when it arrogantly uses, or presumptuously threatens, the veto. It is to awe free and fearless deliberation, by suspending the sword of Damocles over the heads of nervous politicians, in this hall or the other.

Historians inform us that, with all his vices, "Nero never attempted any thing against the jurisdiction of the Senate."

Marcus Aurelius, though armed with the imperial tribunitian (or veto) prerogative, said, in alluding to the Senate, "It is more proper that I should submit to the opinion of so many and such friends, than that so many and such friends should follow my will."

An able writer says, "It was by adding the tribunitian power (*intercedare vetare*) to the military, in their own persons, that the Roman Emperors consummated the ruin of the republic." "It was by this mode," says Tacitus, "that Augustus found means, without the name of King or Dictator, to make himself superior to the legislative and executive powers of the commonwealth."

If the Romans lost their liberty by the union of the military and the veto power in the same hands, how can it be preserved in this nation, when you unite in the same hands, which have now the military and veto, the power of the purse, which you propose to do by the bill now on your table?—a power which Augustus never possessed.

But in these modern days, a President is called a Roman patriot, who freely uses this detested instrument of tyranny; though Pliny boasts, in panegyrizing Trajan, "that the Emperor never allowed himself to annul or prevent the execution of the Senate's decrees."

I will not longer dwell on this subject than to say that, as it was by the use of the veto that Louis XVI lost his head—so may the next American who shall use it lose his personal popularity.

But the President has thought fit to read to Congress a lecture upon constitutional law, and gravely tells us that a Bank of the United States would be unconstitutional. Yes, sir, he would fain convince us that the constitution was in his keeping, and that he will not let the rude hands of the representatives of the people profane it. Mr. Chairman, how much crime has been committed, how much blood has been shed, by fanaticism, under the pretext of serving the cause of religion? How much usurpation and tyranny have been practised, upon the pretence of saving the constitution and serving the people? Let history answer—for every volume can answer, from the creation of the world to the present moment. Who is this mighty expounder of the constitution? Is he the the venerable and glorious man who presided over the deliberations of the convention that formed that sacred instrument? Or is he the wise and distinguished individual whose pen gave it form and proportion, and who has been emphatically called the Father of the constitution? No, sir, he is not. But he is Martin Van Buren, of Kinderhook. The same individual who informed the nation in his inaugural address, on the east front of the Capitol, that he was the first President elected who had not participated in the patriotic struggles of the Revolution; who thought it proper to say, for the information, perhaps, of the ladies present, that he was born since those ancient days. He is the first and chief of the modern expounders of the constitution. Yes, sir, even Amos Kendall, an officer, not of the constitution, but of the law, says that he is a limb—yes, sir! the right arm, I suppose—of the Executive body, and has dared to read a homily to the courts upon their duties and the constitution. It is time, for the dignity of this House and the nation, that such insolence and effrontery should be frowned down, if not punished. But I will leave these distinguished personages for a moment, and allude to others. There is another class of politicians in this House, who have been thrown into ecstacies because Mr. Van Buren says that, as

he construes the constitution, Congress cannot create a United States bank. They call themselves the true State rights Old Dominion republican democrats of the Jeffersonian school, and quote the name of that patriot, for every purpose, numberless times, in every speech with which they favor this House. My mind is in doubt whether such displays should be treated gravely or lightly. Gentlemen seem to speak as if no one had read and understood Mr. Jefferson's writings but themselves, and quote slips from, and fragments of, his letters written some fifty years ago, before the existence of a United States bank. I have been amused to see the dreadful warfare of words carried on among those Southern State rights politicians, who dispute upon subtleties too refined to be perceived by my mental vision. One descants upon constitutional law, and all eagerly listen, in hope to hear some idea which may impinge against something which Mr. Jefferson may have loosely written or said, believing it will be his political destruction at home. Quick as thought, a messenger is sent to the library to produce a letter or conversation of Mr. Jefferson. The orator ends, and another begins with anticipated victory joyously illumining his features, and his Southern friend is handled without gloves or mercy. But with that propensity for long speaking which is so remarkable in the South, where all are imaginative children of the Sun, and where all possess the *copia verborum* in an eminent degree, he soon runs foul of some other opinion of Mr. Jefferson, on some other and foreign subject. Yes, and another more Mercury-footed page is posted, to tell the first to be swift. Then another State rights Jeffersonian Old Dominion true republican democrat rises, and, with the merciless vengeance of a Samson, he routs and vanquishes the political Philistines before him, behind him, and around him, horse, foot, and dragoons. These gentlemen regard it high treason, verily, to differ in the minutest particular from Mr. Jefferson. What a bombastic Englishman once said of Homer, they think true of Jefferson:

"Read Homer once, and you can read no more,
For all books else appear so mean, so poor,
Verse will seem prose; but still persist and read,
And Homer will be all the books you need."

They regard it heresy, beyond the benefit of clergy, if any man dare speak, think, or breathe, without producing the authority of Mr. Jefferson; and he is read out of the State rights party. They call to my mind an anecdote which occurred in my own State on the death of Alexander Hamilton, in the best days of Maryland hospitality, before she was governed, as she now is, by uncles and aunts, who are all united by either affinity or propinquity, who fill all places, and hold the reins of government in their feeble and effeminate grasp—for Maryland is pretty much like the rest of the Southern States. They have all been, for the last ten years, like so many barrels of frozen cider—the spirit has not escaped, but it has become concentrated; some of them now show signs of reanimation, and elivening feelings are beginning to pervade them; and we may hope that even "Rip Van Winkle" (North Carolina) will in time open his wondering eyes. But to my anecdote. The news reached a coterie of thorough-going federalists, who were dining on the Eastern shore of Maryland, where wine and wit were flowing in equal streams; all expressed in general exclamation their bitter sorrow; all, save one, became earnest and eloquent in speaking of the powers of that great man's mind—of the great services he had rendered to the country, and the heavy loss which the nation had sustained, and how much they lamented it. At length, Thomas Bailey, the brother of the Attorney General of Maryland, who was remarkable for a high order of intellect, when he would venture to exercise it, setting down his empty wine-glass, said to his bevy of friends, that he had listened to the expressions of grief which the sad news had called from them, but he felt that his grief was greater than theirs, because his loss was greater in the death of Hamilton; for as long as Hamilton lived (said he) he had never been put to the labor and trouble of investigating questions for himself, and that, as Hamilton was dead, he now, alas, would be forced to the dire necessity of thinking for himself.

I could but think, since this discussion has commenced, if Mr. Jefferson had not left behind him some two volumes of State Papes, one volume of Correspondence, and his Notes on Virginia, how awfully annoyed some of the Virginia politicians would be, if driven, like Tom Bailey, to think for themselves. What would these gentlemen do if the *point d'appui* of their political lever were destroyed?

An able member from Virginia informed us, last night, that he considered Mr. Jefferson the polar star that directed his course. Suppose we draw imagination from around the figure, and examine it by the test of real life. Will a traveller always keep his eye on the polar star? If he should direct his gaze continually that way in his journey, he will soon find that furs would add to his comfort; he would next find that the white bear and the wandering Indian would be the only living things about him; and the next step he would find himself plunging into Symmes's arctic hole. Will the prudent and skilful mariner look alone at the north star, in directing his vessel's way over the trackless ocean? At times he is forced to look at other fixed if less beautiful luminaries, and finds them equally true and useful. Yes, sir, astronomy and navigation teach him to point his glass, at times, to all the bright stars in the zodiac, and the power of human reason makes them subservient to its control.

So I should fain think the practical American statesman should view every star in the firmament, or, to quit the figure, should read all that has been written by the wise and the good, and then dare to think for himself.

When Jefferson embarked in the glorious cause of the Revolution, did he take Solon or Lycurgus, Sidney or Hampden, for his model of greatness? Did he take Locke or Milton as the text-books of his creed? No, sir, he did not. He read all that patriots had written; he read deeply the volumes of human nature: and then, sir, he dipped his pen into his own mind, and wrote the immortal Declaration of Independence. He had no model; daring to think and to act for himself, he made himself great as he was.

We are in Committee of the Whole on the state of the Union; and I am unwilling, as an American citizen, to sit silently and hear Mr. Jefferson's name quoted, to effect every narrow and selfish purpose. His fame is the property of the whole nation, and is not placed in the hands of a few Southern politicians. Mr. Jefferson had faults, as all men have; but Mr. Jefferson was a man of enlarged and expansive mind. And if any supernatural power could resuscitate his body with the magic wand of one of old, as we read in solemn history, and present him living before us, he would rebuke his friends for using his name, as it has been, on many occasions.

Mr. Jefferson doubted, before the first United States Bank was established, whether it was constitutional to establish such an institution. But did he advise General Washington to put his veto upon it? No, sir. He cautions him against using the veto—he urges him to respect the representatives of the people. This he did in the last sentence of his letter to General Washington, in 1791. He says, "it must be added, however, that, unless the President's mind, on a view of every thing which is urged for and against this bill, is tolerably clear that it is unauthorized by the constitution; if the *pro* and *con* hang so even as to balance his judgment, a just respect for the wisdom of the Legislature would naturally decide the balance in favor of their opinion."

Such is the manly language of a great mind; and I wish, for the interest of the country, that his modern friends

knew how to appreciate it. He recommends no veto, bu cautions the President against it. He advises the President to respect the Legislature. This is the language of a true democrat. A democrat is he who will think for himself, vote for himself, speak for himself, and obey the laws and decisions of the tribunals of the country. A man who puts on the blind-bridle of party, and allows himself to be caparisoned with party trammels, is not a democrat—he is half a vassal. A democrat must be a free thinker and a free talker—a free and fearless political actor.

Whilst Mr. Jefferson spoke and wrote freely his sentiments, he knew how to respect the opinions of others. He respected the constitution and obeyed the laws. When the Bank of the United States was established, he acquiesced in deference and with cheerfulness. And in 1804, after he was exalted to the Presidency, he signed a bill authorizing the bank to establish branches in the Territories. If he had not surrendered his first opinion, he placed himself in the attitude of being guilty of base perjury in sanctioning the measure; and I would not venture to give utterance to the opinion I would entertain of the man who would bring such a charge against him.

It was but last night, while listening to an able member from the Old Dominion, who was quoting Jefferson against the Bank of the United States, that I turned to a learned friend from Virginia, by whom I was sitting, and said that I really believed that, if Mr. Jefferson were on this floor, and saw the distresses of the country, he would be the first and warmest to advocate a United States bank. My friend remarked that I appreciated justly Mr. Jefferson's character; for he had heard a few days ago a distinguished gentleman, who was a neighbor of Mr. Jefferson, assert that Mr. Jefferson had said that, if the State bank system was to be tolerated, the only way to control it, and to give a good currency, was to have a bank of the United States. But this fact has been alluded to by the able gentleman who preceded me, [Mr. POPE.] That he said so, I have not the smallest doubt. Your Supreme Court, last winter, decided that the State banks were constitutional. Then, if Mr. Jefferson's opinions are to be quoted, they would be in favor of a United States bank.

But those very gentlemen, who wish to chain down Mr. Jefferson's opinions to the narrowest views upon all subjects, will find themselves in an awkward predicament at the next session. I predict, Mr. Chairman, that they will then quote Mr. Jefferson as the greatest latitudinarian who ever filled the Presidential chair.

When the question of the annexation of Texas to the Union shall come up, as I expect it will next winter, these gentlemen will quote Mr. Jefferson as a precedent, because he recommended the purchase of Louisiana.

Mr. Jefferson has admitted that that purchase was made without any authority being given in the constitution. But still he recommended it, and signed the bill. Sir, he acted wisely; he acted as a philosophic statesman should have acted. There are occasionally and rarely great national emergencies which no framers of a constitution can foresee. Those emergencies must be met, and acted upon promptly. This was one of them. In such a case, all public functionaries are justified in adapting their course to the circumstances. Whilst they venerate the constitution, they are required by duty to obey what must be the sense, not of a party, but of the whole nation, in the emergency, and adopt such measures as will meet the wishes of the present generation, and which they are convinced will meet with the approbation of all posterity. Such occurrences are but seldom presented, but still they do sometimes occur. And Mr. Madison said truly, in his able report upon the Virginia resolutions of 1798, that, "as the constitution is above the law, so are the people above the constitution." That maxim should be received with caution, to be sanctioned only when the people desire a change in their organic law, or when great national exigencies arise, such as I have alluded to.

Some of these Southern constitutional lawyers seem to revel in denunciations against the Bank of the United States—not only some of the Virginia politicians, but the able member from South Carolina, [Mr. PICKENS,] who sprung into the front rank in this debate. Some new light has illumined his path. I thought, if any State in the Union had acquiesced in the constitutionality of the Bank of the United States, it was South Carolina. If the people have erred in sustaining the bank, South Carolina has inculcated that error; for all of her great men have advocated it. In 1816, seven out of eight of her representatives voted for the charter of the United States Bank. Yes, sir, Messrs. Calhoun, Chappell, Edwards, Huger, King, Lowndes, Middleton, Pickens, Taylor, and Woodward; and Mr. Mayrant stood "solitary and alone" against it. But the onward path of modern genius can demonstrate that all these men were ignorant of the constitution and their duties.

> "We think our fathers fools, so wise we grow;
> Our wiser sons, no doubt, will think us so."

Yes, sir, Mr. Calhoun, who was a Southern fixed star, has, by some inscrutable phenomena of nature, by some undiscoverable law of attraction, wandered from his station, and is now in the northern polar hemisphere; or, rather, is now a planet revolving around, by attraction and repulsion, the executive centre. Sir, I grieve at the sudden transition, because I like Mr. Calhoun personally. But he has made himself a living warning, to the opinions I have expressed, how dangerous it is for any free-thinking and generous man, whether in public or in private life, to pin his faith to the skirts of any man. Mr. Calhoun's political life has been most strangely erratic. If I should wish to find an argument in favor of the Bank of the United States, I would read his speech made in 1816; if I wished to find a confirmation of those opinions, I would read his speech made in the twenty-third Congress; if I wished to find an argument against the bank, I would read his recent speech made in the twenty-fifth Congress; if I wished to find an argument in favor of the tariff, I would read his speech made in 1816; if I would wish to find an argument against the tariff, I would read at least a dozen speeches which he has made within the last four years; if I wished to find an argument in favor of forts and fortifications, I would read his report made when he was Secretary of War; if I wished to find an argument against forts and fortifications, I would read his speech delivered in the twenty-third Congress; if I wished to gain proof that he was friendly to the tariff and internal improvements, I would ask for it from the gentlemen of Pennsylvania, who, some ten or twelve years ago, urged his name for the Presidency, and I would be answered that they urged his claims because they thought him ultra on those subjects; if I wished to find arguments against that system, they would be found in every speech which he has delivered, on any subject whatever, for the last six years. Let the generous and chivalric young men of the South follow such a polar fixed star, and they will find, when too late to retrieve their standing and usefulness, that they had been following an *ignis fatuus*, which had been leading them from swamp to bog, from bog to glen, from glen to morass, and finally left them in a cypress swamp of the most impenetrable darkness. He may be quoted for any political opinion, as a distinguished judge once said Croke's reports could be quoted for any legal opinion. I had rather at once cut my political jugular than follow such a star; for, if I did not, the people would soon do it for me; and I regard suicide preferable to public execution. I was amused at the gallant bearing of my chivalrous friend from South Carolina, [Mr. PICKENS,] when he took the lead, conscious of his right and ability to lead, in this debate; it proved to my mind that his Southern feeling

still animated his bosom. I thought it seemed cruel, though it was just, when he required the Clerk, with his strong voice, to read out the names of those who had voted for and against General Gordon's proposition a few years ago. I thought that that was, to his new allies, "the most unkindest cut of all." I was then seated in the chair on the Clerk's platform, which is now occupied by the honorable Senator from Massachusetts, Mr. Webster, [Mr. J. pointed in the direction of the Clerk's seat,] philosophizing and surveying the effect it would produce on many countenances, and perceived, as some names were pronounced, their faces would crimson; others would blanch; some twisted in their chairs, whilst others left the hall, as old Proteus once quitted an unpleasant theatrical hall; whilst in some old and hardened sinners, who had long and often offended, not an eye would wink, or a muscle move, or a single feature change. They seemed to look as if they were conscious that they were past all forgiveness, and had made up their minds to look with more composure upon their past acts, than upon the enormity of those which they fully expected to perpetrate; whilst I heard, or thought I heard, several voices involuntarily exclaim, "expunge the journal." That gentleman, [Mr. Pickens,] whilst he is advocating, in his able speeches, State rights, is at the same time, supporting a measure which is the very definition of consolidation. The whole reasoning amounts to this: because Congress has not the power to establish a bank, therefore Congress must surrender into the hands of the Executive all power over the public money.

Whilst I regard a Virginian or South Carolinian, who will act upon the principles of his ancestors, and dare think for himself, as one of the noblest beings in creation, I regard that different Lilliputian race, who are seven-month's children, always talking about the constitution, and never reading it, who ride about with saddlebags and the Revised Code, and spout "Constitution and Jefferson" at every court-house and cross-road, as the unsafest guides in the world; and if they should happen to be such lawyers as "rare Ben Jonson" describes, I would warn the people to beware of them who

> "Give forked counsel: take provoking gold
> On either hand, and put it up,
> So wise, so grave, of so perplexed a tongue,
> And loud withal, that would not wag, nor scarce
> Lie still without a fee."

There may be one other class of Southern politicians who are worse constitutional advisers. They are those of more standing at the bar, and who are called great special pleaders—the true green-bag gentry—who know all the arts of filing a declaration, or framing a demurrer—who can at once analyze in their minds all the dry maxims of the black letter and the lignum-vitæ terms of the law—who know how to make thin distinctions, and can quibble on the point of a cambric needle. Such men I would counsel with upon a contingent remainder or executory devise; but they are not such men as I would select as my guides to expound the constitution on this floor, or to make them my archetypes as philosophical statesmen. Hair-split distinctions prove, they think, superior wisdom; and they will beautify them with rich diction and elegant manner, and leave you in a perfect paradise of ecstacy, figures, and flowers. Mr. Chairman, there are safer and better guides. Let those who wish to understand the constitution read the debates of the convention which framed that instrument—read the debates in the State conventions which adopted it—read the Federalist and Chief Justice Marshall's decisions upon it: let him do this, and then he will dare to think for himself, and will know something about it. And in this reading he may learn that Mr. Jefferson was not in this country at the time of the formation of the constitution, but was minister in France. As a politician, Mr. Jefferson was superior to Mr. Madison; as an expounder of the constitution, I regard him as inferior.

Can any one doubt that, had Mr. Van Buren recommended the establishment of a United States Bank, chartered with cautious and well guarded restraints, it would have been passed by this Congress, and that in less than six months every solvent bank would resume specie payments, and the overwhelming misery and distresses of the people would have changed into a brighter and more prosperous aspect? I do not doubt it. Had Mr. Van Buren said that he had been disappointed in the new experiment, as all of his friends had been; that it was the part of wisdom now to adopt the old and well-tried policy of his predecessors, a policy which had acted well: if then some of his friends here had opposed it, he could have held up the example of Madison, and been sustained by the nation. Madison's name would have outweighed a host of modern politicians. When Mr. Madison stood alone in his vote in the last Virginia convention, against all the rest, an able American writer said that he would sooner have taken Mr. Madison to be right than all the rest put together. As much as I admired his wisdom, I could not say that much. But Mr. Van Buren's course has been called a firm one; and a distinguished Senator now in my eye, [Mr. Webster,] said, in a speech which I heard with great pleasure, in another quarter of this Capitol, that after reading Mr. Van Buren's message, and finding that he was really tracking the footsteps of the late President, he would not charge him with a want of firmness. I differ with that distinguished gentleman, and many others who have used the same language in this and the other end of the Capitol. I will not call it, at the same time, timidity, but I will call it rashness. The brave Roman who sent his gallant son at the head of an army, cautioned him as much against rashness as he did against cowardice. "The mean of true courage," said he, "lies between the extremes of cowardice and rashness." It is a proof of an absence of moral courage for any man to persist in wrong because his friends urge him to do so. Mr. Van Buren had an opportunity of showing moral fortitude in an eminent degree; for it does require no small degree of moral courage for a man to gently chide, softly to rebuke, a ruinous career of his friend. Had Mr. Van Buren said to his friends that he had believed in the experiment as they had done, but he and they had been disappointed; it had overwhelmed the whole land in misery and distress; his supporters as well as his opponents were beggared by it; that he felt it his duty to abandon the scheme which had so signally failed, and he had determined, for the good of the nation, to go back to the well-beaten path in which Washington and Madison, and all the other Presidents, trod—he might have lost here and there a friend, but he would have gained a hundred for one; he would have proved himself worthy of the office which he holds, proved himself of true and generous courage, and would have then been placed by the side of the amiable and patriotic Madison. But what does he do? When the popular phrensy was highest against a bank, Mr. Van Buren, in an evil hour, committed himself against the bank, supposing the pet bank system would succeed; because General Jackson had sworn, in his wrath, that it should succeed. But failed—exploded—blowing up the Treasury as well as the banks; and the people were ruined. Mr. Van Buren was in a dilemma, and could not go for a United States bank, and preserve his consistency; and had magnanimity of feeling to confess error, repent, and ask forgivness of the thousands and tens of thousands whom he had helped to ruin. What was he to do in this emergency, as Congress had been called in the panic of the moment? He was pledged to go in the footsteps of the late President, and there were no footsteps. Mr. Van Buren was at fault, sadly at fault. A fast runner was posted to the Hermitage, two letters are quickly written by General Jackson, published in the Globe, and thus footsteps are made where none were before. Never did Ti-

berius reign with as much awful terror as when he retired from Rome and went to his gloomy and secluded hermitage, and sent his authoritative and bloody edicts to a slavish and affrighted Senate.

One or two gentlemen have thrown out, during the discussion on this bill, or the one which was acted on a few days ago, a delicate intimation that the expediency of the bank might be more clear to their minds if the constitution were altered so as to express distinctly that Congress should have power to establish a bank. Of such allusions I think as Lowndes did, in 1816, when he was requested by a member to move an amendment to the constitution to authorize Congress to establish a bank. Lowndes said that he had two objections to doing so: one was, that he thought such an amendment would not be adopted; and the second was, that he thought the power already existed in the constitution.

Mr. Chairman, I do not profess to be a constitutional lawyer. I have read some law, it is true, but have never practised in the courts. I have been admitted to practise in the court at the base of this Capitol, as a great many other unworthy lawyers have been admitted. I studied law in Virginia, under the most distinguished jurist of that State—a personal and political friend of Mr. Jefferson. I was taught to believe that it was the duty of a lawyer to respect the constitution and the laws; that the constitution had authorized courts armed with power to decide litigated questions; that from the inferior courts there was a right to appeal to the higher, and that the decision of the Supreme Court of the United States was final; and its powers were broadly and clearly written in the constitution: that if the Supreme Court were to decide a question or principle, which did not suit the popular taste, the decision still was final; but the people had a remedy in two ways, pointed out by the constitution, by which Congress and the States should not alter the decision, but could alter the constitution, as they have on some occasions altered that instrument. This was the doctrine which I was taught; this is the doctrine which all my reading and reflection have since confirmed.

The Supreme Court has said that it will not decide political questions; but that same court has twice said that the constitutionality of the bank was a legal question, and has twice decided it to be constitutional. The decisions of that court have, in every case, been acquiesced in by the people of the whole nation. General Washington, who presided over the convention which framed the constitution; Mr. Madison, who was most prominent in framing it; Alexander Hamilton, who, in intellect was second to no man in the nation; have given their sanction to a bank. The Congress of 1791, which chartered the first United States Bank, voted two to one in favor of it—ayes 39, noes 20. The greater portion of the members of that Congress, who were in the convention which framed the constitution, voted for it. Every President has given it his sanction: Washington, J. Adams, Jefferson, Madison, Monroe, J. Q. Adams, Jackson—for the latter, in one of his messages said he would condescend to write a charter, if Congress would meanly ask him to do so: every President, save Martin Van Buren; and even he signed a memorial to have a branch established at Albany. The man who would raise his voice against this overwhelming authority, I would respect more for his pertinacity and obduracy of opinion than for his dispassionate judgment.

We are told by metaphysicians that nothing is so difficult to prove as self-evident propositions. And I regard the right of Congress to establish a bank as being so decidedly clear as to remove all necessity for other argument on that subject.

The President says that against a United States bank the sentiments of the people are "deliberately fixed." How does he know that? What spirit of divination does he possess, to know whether the people always think with him? He has changed against the pet bank system; he was for it three months ago; his message contains his palinodia. May not the people, who changed against the bank in hopes of bettering their condition, change for it now, to bring themselves where they were, rather than be beggared and miserable? If they should be convinced that it will improve their present distressed situation, they will very quickly change. Self-interest is a powerful lever; and the President and his friends, by their acts, have induced the people to look to it. The people will not ruin themselves because Mr. Van Buren has held out false hopes, false lights, by which they have been wrecked; they will come back, and denounce and quit all crude experiments.

But when the committee of New York merchants told Mr. Van Buren of the dreadful distress in that city, he did not believe it; he thought it all panic. The recent elections ought to be a gentle warning. But no man is so blind as he who will not see; and I am half disposed to believe that some politicians do not yet know that the gold experiment has failed.

The expediency of a bank presents a very different proposition.

We can often, Mr. Chairman, look into the future by the lights of the past. And the past furnishes to my mind the most conclusive evidence that a United States bank is highly, almost indispensably, necessary to promote the rapid and uniform prosperity of the nation. Without money, no business can prosper; and without a convertible currency, and a near uniformity of exchanges, the prosperity of all business is in a great degree paralyzed. Whilst the inequality of exchanges in a depreciated currency will secure wealth to the brokers and money exchangers, in the same degree will it diminish the profits of the farmer and the mechanic, of the merchant and the man of useful enterprise.

Whenever we have had a United States bank, we have had everywhere a convertible, redeemable currency, by which the value of property could be clearly estimated; whenever we have not had a bank of the United States, we have had a stoppage of specie payments, distress, and individual ruin. If we are to judge of effects by causes, what can be more convincing and conclusive? When the Bank of the United States was in existence, exchanges from New Orleans to New York were never more than one per cent.; often at par; and sometimes, from one city to the other, above par. There was then but a reasonable and useful number of State banks.

How are the exchanges now? We can sometimes judge of great things by small. A friend sent me a hundred dollar note, a few days ago, on a bank in Florida, which he had been trying to pass off, but could not. I went to a broker, and he offered me seventy-five dollars in District paper for the hundred dollars on the Florida bank. I offered him the note for eighty-five dollars, and he refused it. I called on the delegate from Florida, to know whether the bank was good. He informed me that it was perfectly solvent, and as sound as any bank in the world; that its paper passed freely in Florida. Then, a man who owes a debt of seventy-five dollars in this city, who may reside in Florida, will have to pay one hundred dollars in paper, which he takes at par at home, to liquidate his liability in this city. Such is the discount, at but one-half of the extent of our nation. If my mind had ever doubted on the subject of the expediency of a United States bank, this single circumstance would have removed every doubt. The Government has disconnected itself from the currency, and all things are in confusion, and I fear will remain so until we have, what was appropriately called yesterday, by my eloquent friend from New York, [Mr. Hoffman,] the balance wheel of a United States bank. I have travelled almost in every part of the Union with United States Bank paper, and never met with an individual in my life who did

not prefer receiving it to specie. But the condition of our exchanges has been enlarged upon by several gentlemen, and with great force by the able member who preceded me; and I will not consume the time of the committee on that branch of the subject.

I had intended to offer some considerations upon, first, the right of the Government to create and establish a good and sound currency for the people, and a safe and salutary mode of exchange; and, secondly, the duty of the Federal Government to exercise that power: but I have been anticipated by the able member from Winchester, [Mr. Mason,] who made an argument upon this subject, clear and lucid; one which has been unanswered, because it is unanswerable. He showed the evils which would be inflicted on the people by establishing one currency for the Government and another for the people. He proved the close affinity of both, and their relative duties and responsibilities. I will only ask, in addition, Mr. Chairman, that if the Government will not exercise any control over, and feel no obligation to regulate, the currency and the medium of exchanges, for what purpose was this federal alliance formed? Why was it that the States gave up to the General Government the whole control over commerce, if that Government will not adopt means for carrying on that commerce with a currency uniform, or as nearly so as human wisdom can devise? Why have they made the sacrifice of so large and surrender of so great a portion of their sovereignty, as to be denied the right to regulate commerce between neighboring States and foreign nations, if the General Government will take no step to promote this interchange? What other consideration could they receive for this immense surrender of State sovereignty, but that the Government would extend its paternal care to effect a good currency and safe and easy exchanges? But the President, with a profound ignorance of both the spirit and the intention of the constitution, has told us that the people might as well expect the Government to aid in the transportation of their merchandise, as to cause or establish a good system of exchanges. It is the first time that an American President has uttered such a sentiment of disregard to an injured people; and I trust that their indignation will make it the last. If this is to be the established doctrine and policy of the Government, each State will, or might as well, stand in the relation of separate and distinct nations; for each will bear the same relation to the other, so far as currency is concerned, as Canada does to the United States, or the different nations of Europe do to each other. And the quicker they reassume the power over commerce, the better will it be for their interest and happiness.

The miserable bunglers of the Executive, who have attempted to regulate and improve the currency, have not yet discovered that they are totally ignorant of the subject, and have failed in their experiments; and even now feel disposed, like a bewildered pilot, to let the ship of State float at the mercy of the winds and the waves, in hopes of reaching a safe point which their pretended skill could not attain, or leap into the long-boat, and desert the crew.

The President, after writing us a long message containing many maxims of sound policy, many long sentences of sophisms, much plausibility, and more bad reasoning, finally hands us over, by way of recommendation, to his Secretary of the Treasury, for the details of his new schemes and untried experiment. I will use this occasion to express my utter abhorrence of the long essays which are annually given by our Executive to the representatives of the people and the States. The Executive seems to think it his duty to send us a long lecture upon our public duties, and assumes as much importance as if he were a professor lecturing a class of sophomores upon the principles of philosophy, and schooling us in the line of our duty.

The King (or now the Queen) of England and the King of France send their messages or speeches to the Parliament or the Chamber of Deputies, of about a span's length, simply saying that the nation is at peace with the world, the King is thankful for the supplies granted, and that he will take pleasure in carrying out such measures as the Parliament or Chambers may think proper to promote the interest of the nation. If either the King of England or the King of France were to threaten a veto, neither would hold his crown a month, if he would escape with his head. I think it ought to be an impeachable offence for any executive officer of Government to send a message or communication to Congress longer than a column of an ordinary newspaper, unless, after that space, statistics and tabular exhibits should require more.

The Secretary of the Treasury has sent us a volume of eighty-eight large pages, laying off his subject, like the monster in grave history, into "seven heads and ten horns." I have read it by candlelight and by daylight; and in groping through it for a clear idea, I could not find one! Now and then you will find a beggarly thought enshrouded in a whole mist and cloud of words. But his thoughts and ideas are like the arts of the cuttle-fish, which, naturalists inform us, when pursued, throws out, as quick as magic, a dark liquid which embarrasses and bewilders its pursuers, whilst it escapes from pursuit amid its own self-created darkness. You pursue his thoughts, but in the pursuit you are left in darkness. If the Secretary of the Treasury is a man of delicate and refined feelings, I would not have suffered the perturbation of mind which he must have endured, whilst he was thinking of and writing that report, for all the public money which he has handled for the last four years. I could never fully realize to my mind the description which Milton has given of one of his heroes, who was confused and disappointed, until I read the Secretary of the Treasury's report. Milton describes a personage who attempted a great reform—not, perhaps, in currency, but in civil government—(and in quoting Milton I do not wish to interfere with the criticisms of my eloquent friend from New York, [Mr. Hoffman,] and my no less able friend from South Carolina, [Mr. Pickens,] who have rendered him, by their able review, of such questionable authority.) This reformer was disappointed, as the Secretary has been, and was humbled from his high estate; and "nine times the space which measures day and night to mortal man," he lay "counfounded, though immortal." And if that immortal personage could not recover his faculties for nine days, amidst the ruin around him, why should we be surprised that it should take Mr. Woodbury, who is only mortal, nine times nine days to regain his, amid the distress and ruin which he has created? In good sooth, I have no doubt that he was confounded whilst writing. Indeed, I am satisfied that he had not regained any of his faculties, save his "modest assurance," when he asked Congress to give him these powers, and to make him, according to his will and judgment, the sole receiver and disburser of the public moneys.

And here, Mr. Chairman, I will claim the kind attention of the committee whilst I say a few words in relation to the Treasury Department, and the bill under consideration granting it additional (I might say unlimited) powers. I feel conscious, Mr. Chairman, that whatever I may say can have but little weight in this House or with the nation; but I should be happy if I could flatter myself that any thought which I may express would awaken reflection in the mind of any member of this House, or any citizen not a member. The day was, Mr. Chairman, when a public officer thought himself an officer of the country and responsible to the laws. Things have changed. Now, every officer, however important or insignificant, considers himself an executive officer, and responsible to

the Executive. This modern doctrine has obtained, and therefore I must consider the bill in relation to modern usage and construction. Still, I will offer my protest against the construction. It might be more curious than profitable to account for this transition of custom and construction. Perhaps it may be found in the fact, that, as General Jackson had overwhelming popularity, and rewarded most liberally his partisan friends, each who felt anxious to be promoted thought that, by placing himself under the executive wing and will, he would sooner be rewarded for his servility; and Congress, under the zeal of party feeling, thought that their friend and chief could not err—that the President "could do no wrong"—and therefore acquiesced. Whilst I know this to be the prevailing construction in this House and out of it, still I will venture, perhaps with temerity, to express my disagreement.

The Secretary of the Treasury is an officer not known in the constitution. Then, under the constitution he can claim no powers. He has been created by law, and to that law he should look for not only his existence as an officer of Government, but for the powers and duties which have been assigned to him. And he should look to all the laws (and not to the Executive) which assign him duties, for the quantity and discretion of duty which may be imposed upon him to discharge. He is not to look to the nominating power for his authority of action, but to the creating power. The law brings him into being, and the law alone rightfully prescribes his power of action. The Executive might have exercised the constitutional negative at the time of his creation; but it gave its sanction to the law, and in that sanction it yielded its acquiescence to all the powers of the Secretary of the Treasury which run with and are contained in the law of his creation, and to the subsequent laws which enlarge or restrain his sphere of duty. A question of great interest might here naturally arise, whether the powers granted by the constitution and those granted by the laws should be decided by a common rule of interpretation. I have not the time now, if I possessed the ability, to make an argument upon the true rules of construction of both the constitution and the laws. I will content myself for the present by quoting a rule laid down by Mr. Madison, in a letter to Mr. Ingersoll, in 1831. "A constitution, (says Mr. Madison,) being derived from a superior authority, [to the laws,] is to be expounded and obeyed, not controlled or varied, by the subordinate authority of a legislature. A law, on the other hand, resting on no higher authority than that possessed by every successive legislature, its expediency as well as its meaning is within the scope of the latter." If this rule is correct, the Secretary of the Treasury should direct his eye to Congress in the discharge of his official duties, and not make himself, as he has made himself, or allowed himself to be made, the supple instrument in the executive hands.

Those who urge that the President has entire control over the Secretary of the Treasury, because he has the power under the constitution to nominate to office, run into error; and, in order to make their construction more plausible, assume (what is not the fact) that the Secretary is a mere subordinate auxiliary officer of the Executive department; that the President is not only responsible for his own acts, but is responsible for the acts of all officers of Government whom he may nominate; and being responsible, they maintain, for the acts of the Secretary of the Treasury, he has a right to control the actions of the Secretary, and to assume, in the Secretary's stead, the entire responsibility of the Secretary's acts. The President, I humbly conceive, has the mere right to nominate (or he may suspend) a person to discharge the duties of the office of Secretary of the Treasury; the Senate, a co-ordinate branch of the Executive, *quoad* the appointing power, have a right to confirm or to reject the nominee. This gives no power to either to control the actions of the Secretary. But it is the law that throws dignity and duties around the Secretary, and the law assigns his powers and his obligations. For the fidelity of discharging his duties, he becomes responsible neither to the nominating nor the appointing power, but he becomes only responsible himself to the law; and for an infraction of the law or malfeasance in office he is amenable to the law, and answerable before tribunals adequate to pronounce decision of acquittal or condemnation for all of his official acts. The President may nominate—Congress can abolish. If the modern doctrine is correct, as has been assumed, that the right of the President to nominate to office carries with it a right to control the acts of a Secretary, then the President, who has legislative power as well as executive duties to perform, (for no law can be passed without the signature of the President,) can, by a parity of reasoning, not only interpret and control, and arrest the operation of the law which he has signed, (as has been done,) but he can set the constitution at defiance, and find his justification, not in the sanctions of that instrument, or in the written law of the land, but by assuming the responsibility of outraging both—seek his justification in making an appeal, not to the tribunals of the country, but to the American people, to countenance his attack upon the institutions of the country, upon the co-ordinate departments of Government—for assuming sole executive and legislative power—and for arrogating uncontrolled power over the Secretary of the Treasury and the currency and money of the Government. When the representatives of the people of the several States framed the constitution, they assigned the President his duties, and required him, in the discharge of those official duties, to make his conduct quadrate with that instrument; nowhere recognising his right to control a public officer in the discharge of his legal duties; nowhere recognising his right, in justification of an infraction of the constitution and the laws, to appeal to the people, in order to gain their sympathy or contempt, their forgiveness or their censure. Every usurper appeals to the people; Cæsar appealed to the people; so did Cromwell and Bonaparte; all deceived the confidence of the people, and each trampled upon their liberties. A candidate for office may appeal to the people—a public officer should appeal to the law; and if the law will not suit the people, they can order their representatives to alter it. Whether these views are correct or not, they are still the sentiments I entertain; and, holding them, I am free to give them utterance; for I believe this to be a time when every representative of the people should think audibly.

The law of September 11, 1789, entitled "An act to establish the Treasury Department," declares, in the first section,

"That there shall be a Department of the Treasury, a Secretary of the Treasury, a Comptroller, an Auditor, a Treasurer, a Register," &c.

"Sec. 3. It shall be the duty of the Comptroller to superintend the adjustment and preservation of the public accounts; to examine all accounts settled by the Auditor, and certify the balances arising thereon to the Register; to countersign all warrants drawn by the Secretary of the Treasury, which shall be warranted by law; to report to the Secretary the official forms of all papers to be issued in the different offices for collecting the public revenue, and the manner and form of keeping and stating the accounts of the several persons employed therein. He shall, moreover, provide for the regular and punctual payment of all moneys which may be collected," &c.

"Sec. 4. That it shall be the duty of the Treasurer to receive and keep the moneys of the United States, and to disburse the same upon warrants drawn by the Secretary of the Treasury, countersigned by the Comptroller, recorded by the Register, and not otherwise. He shall take receipts for all moneys paid by him, and all receipts for moneys received by him shall be endorsed upon warrants signed

by the Secretary of the Treasury; without which warrant, so signed, no acknowledgment of money received into the public Treasury shall be valid. And the said Treasurer shall render his account to the Comptroller quarterly, (or oftener, if required,) and shall transmit a copy thereof, when settled, to the Secretary of the Treasury. He shall, moreover, on the third day of every session of Congress, lay before the Senate and House of Representatives fair and accurate copies of all accounts by him, from time to time, rendered to and settled with the Comptroller, as aforesaid; as also a true and perfect account of the state of the Treasury. He shall at all times submit to the Secretary of the Treasury and the Comptroller, or either of them, the inspection of the moneys in his hands; and shall, prior to the entering upon the duties of his office, give bond, with sufficient security, to be approved by the Secretary of the Treasury and Comptroller, in the sum of one hundred and fifty thousand dollars, payable to the United States, with condition for the faithful performance of the duties of his office, and for the fidelity of the persons to be by him employed; which bond shall be lodged in the office of the Comptroller of the Treasury of the United States."

Section 5 assigns the duties of the Auditor.

Section 6, of the Register.

"Sec. 8. That no person appointed to any office instituted by this act shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce; or be owner, in whole or in part, of any sea vessel; or purchase, by himself, or another in trust for him, any public lands or other public property; or be concerned in the purchase or disposal of any public securities of any State or of the United States; or take or apply to his own use any emolument or gain for negotiating or transacting any business with the said Department, other than shall be allowed by law. And if any person shall offend against any of the prohibitions of this act, he shall be deemed guilty of a high crime and misdemeanor, and forfeit to the United States the penalty of three thousand dollars; and shall, upon conviction, be removed from office, and forever thereafter be incapable of holding any office under the United States," &c.

In 1817, March 3, four Auditors were created, and one Comptroller, additional; but the restraints upon each officer are as great as in the law of 1798.

I cannot, Mr. Chairman, but pause here for a moment to admire the great wisdom and foresight of the wise framers of these statutes in guarding the public moneys of the people, by the variety of officers which they have created to be guards and checks upon each other. They knew the frailty of human nature, and its impotency to resist the seductive influence of temptation. By these statutes, we find that even the Secretary of the Treasury could not touch one dollar of the public money; that he had as little control over it as any other officer of the Government.

By the extracts of the statutes which I have read, it will be perceived that the same law which created the Secretary of the Treasury, created co-ordinate, and I maintain co-equal, officers of that Department, who are as independent of the Secretary of the Treasury as they are independent of the Secretary of War; who are as independent of the President as they are independent of each other. They are not to look to any power but the law, and that they are to obey. The Treasurer is required to give a large bond. To whom? to the Secretary of the Treasury? No, sir, to the nation. Then he is responsible to the nation, and not to the Secretary. The co-ordinate officers, the Comptrollers, the Auditors, the Treasurer, and the Register, hold no responsibility to the Secretary; Congress have appointed them guards upon the public money and upon the Secretary of the Treasury; and I fondly hope that they will so regard themselves. Rumor has reached my ear, upon the wings of the wind, that some officers have been considered too honestly faithful to the law, and would not bend to advice from a particular direction. It will be understood where I wish it to be, when I say to them, be firm and faithful to the law and your duty. I will say to those officers in Washington and out of it, whether I know them or not, whether they are Conservatives, Whigs, or Van Buren men, as long as they are faithful to the laws, and firmly resolved to do their duty, I beg them to consider me as their friend. Let them do their duty to the people and the laws, and, if persecution should assail them, I care not how dark the cloud, how fearful the storm, as long as I have a place on this floor I will raise my humble voice in their defence.

But, to examine for a moment the bill on your table. What does the Committee of Ways and Means propose by that bill? In a bill of ten little sections, to blot out from your statute book all the many laws which created, regulated, restricted, and restrained the Secretary of the Treasury; and to destroy the enactments of our forefathers, which so cautiously guarded the public moneys of the people. To destroy the power, or to surrender it, of the Congress of the United States over the revenues of the nation, and to place it all in the hands and under the control of the Secretary of the Treasury. This is not all; the bill proposes more: it proposes to give to the Secretary, singly and alone, not only power over the money of the nation, but it also invests him with legislative powers. It proposes, in the very first section, after saying that "the collectors of the customs," "postmasters," &c., shall be "receivers" and "fiscal agents," that they shall be governed "by any regulation of the Treasury Department" "which, in its wisdom, it may think necessary," &c. In the fourth section, after saying that the receiving officers of the revenues "may be allowed any necessary additional expenses for clerks, fire-proof chests or vaults, (as if the keeper of the key of a vault could not have the same ready access to it as he would have to his own private bureau,) or other necessary expenses of safe-keeping, transferring and disbursing said moneys; all such expenses, of every character, to be first expressly authorized by the Secretary of the Treasury, whose direction upon all the above subjects, by way of regulation and otherwise, are to be strictly followed by all the said officers."

In the fifth section, he has the power "to appoint special agents, as occasion may require, with such reasonable compensation as he may allow;" "and reports are to be made in all cases, as the Secretary in his discretion shall direct."

I ask any candid mind if it is in the power of language to give more absolute and unqualified power over the money of the nation, and over every officer who is to receive or pay it, than is given by this bill to the Secretary of the Treasury? Can such a measure ever receive the sanction of a majority of the representatives of freemen? That such a bill should be received in this House, without exciting the strongest feelings of indignation, surprises me. That this House should patiently allow any committee to ask them, without prompt resentment, to surrender their rights, and the rights of those whom they represent, into the hands of one single individual, excites my distrust for the spirit of its independence. Even the slavish members of a Turkish divan would rebel against such a measure. If the representatives of the people abandon their interests on this floor, I have greatly mistaken the genius and character of my countrymen, if they will not quickly abandon them. I use this language in no spirit of censure or threat, but in prophecy.

We have wandered beyond our reckoning; we have been floating in an unknown sea! and our pilots are ignorant of the seas, the winds, and the stars. This they have proved;

but still they call on us to trust to them, although they have run us aground; they promise to run on another tack, and say they can escape the reefs and breakers. They are in a fog, but are still determined to rush recklessly on, instead of using the anchor, and run the ship of state they know not where.

It is a good, a safe maxim with the merchants—I hope and trust it will become the maxim of the farmers and the mechanics—never to trust those twice, who have deceived them once. I was in the panic session of the twenty-third Congress, one of the youngest (I know the humblest) members on this floor. When the rash, now all know the ruinous, experiment was proposed, almost the entire Executive party predicted that it was the commencement of a golden era—that every mechanic would have all his pockets filled with gold. I might read extracts from fifty speeches to prove this assertion, if it were necessary. I could read extracts from fifty speeches, made by the opponents of that measure, to prove that they predicted all the dire effects which the whole nation are now groaning under, if that visionary scheme should be adopted.

What were then promises on the one side have proved as deceptive as what was then prediction on the other is now sad reality. If the half-starved children, and the haggard looks of their miserable mothers and agonized fathers, which we all have left behind us in our districts, be not sufficient proof of the fact, it is to be found in the evidence of the fact that the President has convoked us at this unseasonable and unusual period. When I saw then around me the grave and experienced, the learned and practical men, discussing the whole policy of our currency and our Government, I felt too distrustful of my ability, though confident in my judgment, to participate in that debate. But when I have seen that experiment fail, and the same men who urged it press upon us another—an experiment which I believe will make the rich poor and the poor miserable—I am unwilling to be a silent voter; and, however limited my range of thought and ability, I am still resolved to speak the inmost feelings of my mind, if this speech were to be my last; for diffidence in this crisis I do not regard a virtue.

What is the character of our currency now? what is the character of our exchanges? what, let me ask you, is the condition of our people? Miserable beyond description or parallel. What were the people promised, if they would go against the United States Bank, and go for the humbug experiment? They were promised all that the imagination could throw out to eager hope. The farmer was told that the Bank of the United States checked his energies and caused a failure in his wheat crops; the mechanic was told that he would never be a rich man as long as there was a United States Bank; the merchant was told that exchanges would be improved if he would but aid in destroying the monster; the professional man was led to believe that he would never have a patient, or a client, or a marital rite to perform, if he did not join in a cry against Nick Biddle and the bank. All were promised, and too many believed, that if they would war against the monster bank the whole land would flow in gold and silver; that the imagination of the travelling Spaniard through South America would be changed from conceit to vivid and tangible reality; that the houses would be covered with gold and silver; that the trees would bear ambrosial fruits of vegetable gold; that the whole nation would be an El Dorado and a specie paradise; that all might voluptuously live without working, and be rich without industry. This picture was delightful to the imagination, and it required the sternest philosophy to resist its captivating influence. For who, Mr. Chairman, would labor for wealth, if he can gain it by idleness?

The people were promised the same national and individual blessings which a notorious reformer in England once promised his followers and believers. He said:

"There shall be, in England, seven half-penny loaves sold for a penny; the three-hooped pot shall have ten hoops; and I will make it felony to drink small beer; all the realm shall be in common."

"Away, burn all the records of the realm."

The last part of this promise is the first which has been kept. The constitution enjoins upon each House of Congress to keep a journal of records. The Senate have expunged their record. I would to Heaven, for the honor and fame of the nation, that, after expunging, they had burnt the record, so that the infamy of the act might have been consumed with the record!

Sir, you have falsified all your predictions and your promises to the people, and still you have the temerity to ask them to go with you in another crude and untried experiment, which shows upon its face a delusive hope and a ruinous consequence. Sir, you claim to be the poor man's only friend, and you have brought the poor man to poverty and ruin.

You are consulting your own ambitious aggrandizement at the expense of the misery and suffering of the people. With consciousness of error, you still persist in wrong. You first induced the people to wage with you a war upon the United States Bank, and promised them better things and more prosperous times; you have not realized the hopes you awakened. You now tell the people to wage a war against all banks—and the very pets upon which you relied as your instruments to effect a better currency. Yes, sir, you have done all this; and now, by your Executive's recommendation, you wish to create a universal bankrupt law. The honorable chairman of the Committee of the Judiciary has, creditably to himself, and—I return him my acknowledgments—to the committee, informed you that he is not prepared at this time and at this session to obey the executive will in that request. Yet the Senate's committee have reported a bill to annihilate the banks of this District—a step, I suppose, preparatory to a general bankrupt law.

[Here Mr. JOHNSON was informed by a voice from behind him that the chairman of the committee of the Senate [Mr. GRUNDY] had asked leave that morning in the Senate to be relieved from the consideration of the executive request, to establish a general bankrupt law against the banks.]

Mr. J. said, I return my thanks to the voice which I hear, and to the honorable member from whom it proceeded, for the information which he has given me; I was not apprized of it before. I regard it as an omen of better things; I congratulate this House, I congratulate the country, upon the fact, that, as pliant as the Senate have been, they have not been so reckless of the public interest as to go with the Executive in all its mad and violent projects. I have now, for almost the first time, some hope that there is a redeeming spirit in this House, to check and oppose some of the crude and ruinous measures of the Executive; and I feel animated with fresh and enlivening sentiments. But, sir, to resume the entangled thread of my discourse.

You found it popular with the public taste to go against the United States Bank. But, remember, when you got the people to go with you, you promised a better currency, and a better system of exchanges; you promised them gold for bank notes, and prosperity in their business for what you called bank oppression. The scheme took well on the start, but failed in those results; and now, because you deceived the people once, you would fain believe that you can make them think that it is now the State banks—your pets—that have caused all this misery and suffering. You are really, now, attempting a bold experiment on human credulity. Sir, you seem to revel instead of sympathizing in the distresses of human beings: you first deceive, and hope to make atonement by misleading. You

think, because you got popular feeling against the United States Bank, you can now direct it against State banks, against all banks. If that fails, then to direct it against all rich men, and adopt the levelling, the agrarian system.

Sir, when I read, in my early youth, Rochefoucault's maxims, one (although he seemed to "understand the human heart as though he had made it") I marked with my pencil at the time, as wrong and impossible—the maxim where he says "that there is something in the distresses of our friends which does not displease us." Although I read Dean Swift's approval of it, who was well read in the secret impulses of human action, still I doubted. He describes it better in verse—

"As Rochefoucault his maxims drew
From nature, I believe them true;
This maxim, more than all the rest,
Too base 'tis thought for human breast—
That, *in the distresses* of our friends,
*We first consult our private ends;*
And nature, kindly bent to ease us,
Points out *some circumstance to please us.*"

Sir, I begin to doubt, and am almost inclined to believe, that, in the unsophisticated thoughts of less experienced life, I was wrong—when I have seen and witnessed the great excitement which was brought to bear in the public mind against the late Bank of the United States, how completely politicians succeeded in elevating themselves, by destroying that institution; although, in its destruction, their friends, as well as their opponents, were whelmed in the same common distress and ruin. Whether some of these same politicians have not looked on the general ruin and misery with complacency, and at least consoled themselves that, as the first experiment acted politically (if not financially) well, they could now turn the indignation of the people from themselves against the State banks; and if that should result as the first experiment has terminated, and the people should still suffer distress, that they would say to them, to complete the glorious reform in our currency and money affairs, the people must go one step further, and it will be but one step, and direct their indignation against every rich man; and that there is no freedom where there is not an equal distribution of property; that, to be free, we must have the agrarian locofoco feeling to triumph; that—

"All the realm shall be in common."

Sir, every feeling of my nature startles at such a monstrous doctrine. The doctrine is avowed by few, but many are acting in the way to cause such a result. It will fail, I predict. I know it will fail. There is too much honor and integrity in the composition of the American character ever to allow such a doctrine to prevail. There is too much honesty and worth with the unaspiring portion of our farmers and mechanics to suffer such sentiments to obtain a place in any honest bosom. I believe that one-half of those politicians who talk so much about the poor, are their worst enemies; I judge so, because their measures are not calculated to aid, but to oppress, the indigent. Professions of patriotism have become trite and stale. I judge, and would urge the whole nation to judge, of public men, not by their professions, but by their acts; it is the safest test. The pinching distresses of the people will force them to adopt it. You have touched the most sensitive nerve in the American system. You have touched the pocket nerve, and it communicates directly to the thinking faculties of the mind. "Of all rebellions," said Lord Bacon, "those of the belly are the worst."

The attempt to draw a distinction between the rich and the poor, which is so often hinted at in the message, is delusive, because it is false. The President alludes to the people and to the poor to gain their favor, but recommends nothing to relieve their embarrassments. If he turns his eye at all to the sufferings of the people, it is a mere side-long look that falls upon them

"As cold as the moonbeam on the barren heath."

He will not carry their produce to market, or think about their exchanges. The Emperor of China ploughs a furrow every year in respect to agriculture. The President might have written one line in his message in favor of that interest. And yet politicians talk about the poor—the laboring men—the very men who have suffered the most by their pretended friendship.

We hear the terms of "the poor" and "the aristocrats" used in every public place and in every public document. These epithets are unjust when applied to the people. We have no such distinctive classes; and those politicians, who denounce the honest man who has made a competent fortune by honest industry and frugality as an aristocrat, are themselves the worst sort of aristocrats.

As General Foy, in the French Chamber of Deputies, was enlarging with much earnestness in a discussion in the Chamber, and had just used the word "aristocracy," a voice from one of the ministers asked him to define it. "Aristocracy," he replied at once, and quickly—"Aristocracy, in the nineteenth century, is the league, the coalition, of those who wish to consume without producing, live without working, occupy all public places without being competent to fill them, seize upon all honors without meriting them: that is aristocracy."

This I regard as a true and practical definition of the word. It is as just as it was happy. There is no such class in this country as the poor, if you will exclude the tenants of the alms-houses. Every man in this country, who works at daily labor, gains wealth enough to secure him all the comforts of life, and many of its luxuries; is well fed and well clothed; and has, at the end of the year, spare money and feels properly as proud and as independent as any man in the nation. He knows that whilst he is one of the people, he is part of the Government; that his voice is felt and obeyed as much as if he had millions. He knows that, whilst he has to labor hard, the laws will protect him in his rights, and in the possession of the rewards of his industry.

The laws of our country, of every State in the Union, prevent a large accumulation of wealth in the hands of the few. The accumulation of one generation is divided with the descendants in the next. All that is wanted to acquire wealth is stability in wise laws to regulate the currency. Repeated fluctuations and changes, such as our rulers have produced, cause want of confidence, and finally distress. Confidence causes credit; and a system of credit, when controlled within cautious limits, adds to individual enterprise, which augments the wealth of the nation. Credit is the poor man's capital; and by it, in a moral point of view, the nation is benefited; for every individual is more anxious to preserve the rectitude of his integrity and honesty, when he knows, that by doing so, it may advance his wealth and prosperity. The rich man of last year is the poor man this; and the poor man this, is the rich man next year; so the changes go round the circle, from year to year, from generation to generation. From some knowledge of the people of the United States, I do not hesitate to give it as my opinion, that, of the many who possess great wealth, a larger number of them have started from humble means, and have been the architects of their own fortunes, than those who have derived it from patrimonial inheritance.

By the laws of descent of the States, it is impossible that any family or class of individuals ever can accumulate so much wealth as to be enabled to oppress any portion of the people. Public functionaries that are wise should be cautious in awakening prejudices against any class in the community, when the interests of all are so naturally dependent upon each other, and are knit together like the woof of the spider's web, so that whatever touches or deranges a part must be felt at the most remote and attenuated extremities. They should hold out, by establishing a

safe and convertible currency and wise regulations of law, inducements and facilities to the needy industrious to accumulate property; and, in this way, to give a stimulus to industry; for it is not by the amount of specie which may be in a nation that you alone are to judge of its prosperity and its wealth—a better criterion is its productive industry. A man who acquires property accumulates wealth; and when he has done this, he can soon convert it into money. The man who has but a thousand dollars, will find that at six per cent. it would support him with the necessaries of life for a month; but, if he were to expend it in Government lands at a dollar and a quarter an acre, and apply his labor upon those lands, the production would not only support him and his family, but the surplus of his productions would enable him annually to increase his wealth. But he must have either the capital in money, or the capital gained by his credit; for if there is neither capital nor credit in the country, to allow him to establish himself, he must be forever poor and miserable. Then I maintain that, to promote the prosperity of the poor, you must supply them with the facilities of acquiring either capital or credit, or rather of both. And this brings me to an important part of our inquiries and our duties: Whether a nation can prosper without a sound and abundant convertible circulating medium? whether gold and silver alone will be sufficient to promote that prosperity? and whether the poor would be benefited by the destruction of all banking institutions? Not having had time to arrange a regular and systematized argument, I will offer a few considerations in relation to these several propositions, without speaking of each separately, and care but little in what order I may take them up, and speak of each in conjunction. No member on this floor has said that there is more than eighty millions of dollars in this country in gold and silver. The easiest way of arguing this question is by the Yankee mode of asking a question. That question is, how will the people be enabled to pay off all their debts, which amount to many thousand millions, with only eighty millions of specie, if you force by your policy bank paper from circulation? For the constitution authorizes every creditor to exact specie, (if he is unfeeling enough to do so,) as your law authorizes the Secretary of the Treasury to exact specie, when the banks cease to redeem their paper.

We can form some idea of the amount of debts which are owed by the people, from the President's message. He says: "At the commencement of the year 1834, the banking capital of the United States, including that of the national bank then existing, amounted to about two hundred millions of dollars; the bank notes then in circulation to about ninety-five millions; and the loans and discounts of the banks to three hundred and twenty-four millions. Between that time and the first of January, 1836, being the latest period to which accurate accounts have been received, our banking capital was increased to more than two hundred and forty-one millions; their paper circulation to more than one hundred and forty millions; and the loans and discounts to more than four hundred and forty-seven millions. To this vast increase are to be added the many millions of credit," &c. Then, according to the President's own showing, the people owe the banks nearly eight hundred millions of dollars, to say nothing of the immense amount which is owing between merchant and dealer, between farmer and mechanic; and I should not be exorbitant, if I were to say it amounts to at least ten times that sum. Then, suppose you would carry out your hard money experiment; what would it lead to? The Government exacts its dues in gold and silver, and requires the deposite banks and the people to pay it in gold and silver; the banks which have made loans, as all have, call on the importing merchants to pay them in gold and silver; the importing merchant calls on the retailing merchant to pay him in gold and silver; the interior merchant calls on the farmer, and the farmer calls on the mechanic. Cannot all see the impossibility of paying more than ten hundred millions of debts with eighty millions of gold and silver? There is not gold enough in the world to pay the debts of the people of this nation. But suppose, purblindly, you press on with your schemes: I ask any member on this floor, if any of his constituents were to owe a debt, say one thousand dollars, and be possessed of property to the amount of ten thousand dollars, if it would not require the whole property he possessed, if it were to become a general policy to pay in gold and silver, to sell for one thousand dollars. So far from this policy having the tendency to benefit the poor, it will, in its results, if it be not arrested, make the rich poor; and the poor man, who is forced to pay all his debts in gold and silver, will find himself beggared, if not incarcerated in the jail of his county. That is the paradise of suffering and misery, which such a measure will lead him to; and if he follows such counsellors as we have had for the last three years, he should prepare his mind and body to endure penury and suffering. "It is in those countries," says an able writer, "only, where labor is well rewarded, and where the mass of the people are placed in a situation to accumulate wealth, that they acquire a stake in the hedge, and are, in consequence, made to feel a direct personal interest in the support of all those great fundamental principles essential to the existence of society, which they otherwise regard either with indifference or aversion, and which the slightest provocation is sufficient to induce them to attack."

But those statesmen, who ride in their English carriages with white servants in livery, who all feed upon the public crib, say that the people are too voluptuous, they have too many luxuries, that they are too extravagant, and that their rulers are determined to bring them down to primeval simplicity; that they must be brought down to the economy of the pastoral ages, and republican simplicity, which we read of in books of olden times; to the hard-money days of Lycurgus, when a man was regarded a patriot, if he not only would covet, but if he would steal his neighbor's property, without being detected in the theft—when their bread was made of acorns, and the skins of wild beasts furnished them with raiment. Or are we to be brought down to later days, the days when cocoa seeds were received in part of South America for a currency? That had more plausibility about it, for the holder of that currency could convert it into an article of food, which was no small improvement upon Lycurgus's system.

Example has more effect than precept; and he who wishes to reform society must first reform himself; and if the President and his Secretary would start the fashion, they might advise with better hope of success. Let the President dress himself in sackcloth, and his Secretary in the skins of wild beasts, or borrow a dress from Keokuck or Black Hawk, who are now in the city, and start out as missionaries to proselyte the people, and they will soon find how many converts they will make. The first district which they would enter would be the district which I have the honor to represent on this floor. Let them approach some settlement of industrious Friends, or German farmers—the former they would first reach in about ten miles from this place. The President would enlarge upon the advantages of his new system, and finally hand the listening crowd over to his faithful squire, who would show, by statistics, what would be saved to the nation, if no luxuries were imported from abroad, and how much less their merchants' and tailors' bills would be if they adopted his attire—to banish broadcloth coats and merino shawls. We can well conjecture, Mr. Chairman, that the women, if they said nothing, would look inexpressible things. And I can imagine some such man as Roger Brook, a resident of Montgomery, who is a man of read-

ing and a wit, replying to the President, and saying that his costume and the Secretary's were unique and peculiar; that he belonged to a society that but seldom changed good habits; that he liked to read of such attire in the Bible, but could not say that he was at that moment prepared to adopt it. Although they are remarkable for treating both invited and stranger guests with great hospitality, he would play off Van Burenism upon Van himself; and say to him, as a delinquent debtor once said to a dunning creditor, friend, call next week, and ——— then I will tell you when you can call again.

But we have had some of these currencies in our own country, or something very much like them. In the democratic simplicity of the trappers of the Rocky Mountains at this time, they use pelt instead of bank notes, and pay their debts in the skins of beavers, otter, or racoons. Before the purchase of Louisiana, and until 1804, deer skins were a legal tender, by the laws of all Upper Louisiana, at forty cents a pound. Our forefathers, in their republican simplicity, made fish oil, cotton, and tobacco, a legal tender; and you cannot now open an old statute book, of either Virginia or Maryland, that has not tobacco so often written in it, that it almost smells of the indigenous weed. In Maryland, by the law of 1732, tobacco was made a legal tender at a penny a pound, and Indian corn at twenty pence a bushel. Whilst in Virginia, in 1618, tobacco was made a legal tender at 3*s*. per pound; and, in 1620, the "young" and beautiful "women who were shipped by the Virginia Company in England to that colony to be married to the residents, the price on each was a hundred pounds of tobacco, though, when the article was scarce, as much as a hundred and fifty pounds was paid."

This kind of currency is very elegantly described in the sixteenth number of Salmagundi, where it represents that "the lady of a Southern planter will lay out the whole annual produce of a rice plantation in silver and in gold muslins, lace veils, and new liveries; carry a hogshead of tobacco on her head, and trail a bale of sea island cotton at her heels; while a lady of Boston or Salem will wrap herself up in the nett proceeds of a cargo of whale oil, and tie on her hat with a quintal of codfish!" I do not believe that any of my constituents wish to go back to the tobacco experiment of their ancestors; many of them raise most excellent tobacco, and some like to exhilarate their senses with it; but none, I believe, are anxious to have their dues paid in it; they would prefer the miserable currency which you have now afflicted them with. I know by how frail a tenure I hold the attention of the committee; but, as it has favored me with its attention, I am emboldened to proceed a little further, and will attempt to illustrate the positions loosely thrown out in my remarks—the necessity of the Government to establish, by wise regulations, a currency for the people; and the absolute impossibility of the advance of this nation in its usual and rapid strides to wealth, to greatness, and to power, without an abundant and good currency. I will not go into a discussion of metaphysics and abstractions, as one-half of the political economists do, who write long and labored books, to find out whether gold and silver is properly money or not; whether it is a merchantable commodity, and ought to be sold as any other production of labor; whether bank paper is a good and safe representative of value, or whether it may be worn out and more quickly consumed than the precious metals. I will leave these discussions to those who have a taste for them. I am in the Congress of the United States, and feel that it is my duty to act upon circumstances around me; to look at the past, and try to do the best I can for the future. Close refinements may suit the purpose of the learned lawyer, and abstract metaphysics may suit the man of recondite lore, but practical utility, I think, will best suit an American legislator.

I will take the liberty of reading an extract or two from a little volume I hold in my hand. It is about half the size of the report of the Secretary of the Treasury, and contains, in my poor judgment, more sound maxims of usefulness to the laboring class than all the messages and reports, and speeches too, which have been written by the Presidents and Secretaries, and their friends, for the last four years. I am sorry to discover that it is not to be found in any of the libraries in this Capitol; and, whilst I am making a miscellaneous speech, I will use this occasion to say that I am sorry for the American taste, that they buy up every large volume of romance that is published, whilst pamphlets of solid information are neglected. In England it is different; nothing is quicker bought and read there than political essays and statistical tracts. We have not a taste for statistics, and nothing is more important for a public man. The volume which I will read from is one that was sent to me by a travelled friend from Edinburgh. It was written by J. R. McCullough, and is entitled "An Essay on the Circumstances which determine the Rate of Wages, and the Condition of the Laboring classes." The first section is headed "Rate of wages in any given country at any particular period, determined on the magnitude of the fund or capital appropriated to the payment of wages, compared with the number of laborers." He says: "The capital of a country consists of all that portion of produce of industry existing in it which can be made directly available, either to the support of human existence, or to the facilitating of production. But the portion of capital to which it is now necessary to advert, consists of the food, clothes, and other articles required for the use and consumption of the laborer. This portion forms the fund out of which their wages must be wholly paid. We shall err if we suppose that the capital of a country depends on advantageousness of situation, richness of soil, or extent of territory. These, undoubtedly, are circumstances of very great importance, and must have a powerful influence in determining the rate at which a people advance in the career of wealth and civilization. But it is obviously not on these circumstances, but on the actual amount of the accumulated produce of previous labor, or of capital devoted to the payment of wages, in the possession of a country, at any given period, that its power of supporting and employing laborers must entirely depend. A fertile soil affords the means of rapidly increasing capital; but that is not all. Before that soil can be cultivated, capital must be provided for the support of the laborers employed upon it, just as it must be by providing for the support of those engaged in manufactures, or in any other department of industry.

"It is a necessary consequence to this principle, that the amount of subsistence falling to each laborer, or the rate of wages, must depend on the proportion which the whole capital bears to the whole amount of the laboring population. If the amount of capital is increased, without a corresponding increase taking place in the population, a larger share of such capital will fall to each individual, or the rate of wages will be increased. And if, on the other hand, population is increased faster than capital, a less share will be appropriated to each individual, or the rate of wages will be reduced."

"So long as capital and population continue to march abreast, or to increase or diminish in the same proportion, so long will the rate of wages, and, consequently, the condition of the laborers, continue unaffected; and it is only when the proportion of capital to population varies, when it is either increased or diminished, that the rate of wages sustains a corresponding advance or diminution. The well-being and comfort of the laboring classes are, therefore, essentially dependent on the relation which their increase bears to the increase of the capital that is to feed and employ them. If they increase faster than capital, their

wages will be reduced; and if they increase slower, they will be augmented. In fact, there are no means whatever by which the command of the laboring class over the necessaries and conveniences of life can be enlarged, other than by accelerating the increase of capital as compared with population, or by retarding the increase of population as compared with capital; and every scheme of improving the condition of the laborer, which is not bottomed on this principle, or which has not an increase of the ratio of capital to population for its object, must be completely nugatory and ineffectual."

Such are the views, not of a man who wishes to be returned to Congress upon some popular prejudice, who aspires to a secretaryship, or a foreign mission, or to the Presidency, but one who writes for the benefit of mankind, and is willing to meet his reward in the approbation of a benefited and grateful posterity. If I may venture to illustrate his views, in this country we have now some eight or ten hundred millions of circulating medium, which is received, and gladly received, by all who have debts to collect, as money. If you adopt the advice offered, and destroy our banking institutions, you reduce the circulating medium to the amount of the specie in the nation, which has been computed at eighty millions; but I do not believe that it is much more than half that amount. Then you will have a currency or circulating medium which, if you were to divide it among the people, would give each individual some three or four dollars. The effect would be, that those who work for a dollar a day now would have their wages reduced to some ten or twelve cents per day; for, instead of increasing the capital with the increase of the population, you reduce the capital to about five per cent. of what it is now, whilst the population of the country increases about five per cent. every year. Or you would have to raise the value of money more than a thousand per cent., and say that a dime shall in future pass for a dollar, an eagle for a hundred dollars. I will read another extract from his second chapter, exhibiting the "Comparative increase of capital and population." "It is not possible to obtain," he says, "any precisely accurate estimate of the absolute quantity of capital in a country at different periods; but the capacity of that capital to feed and employ laborers, and the rate of its increase, may, notwithstanding, be learned with sufficient accuracy for our purpose, by referring to the progress of population. It is clear, from the statements already made, that the inhabitants of a country, supposing them to have the same, or about the same, command of the necessaries and conveniences of life, cannot increase without a corresponding increase of capital. Whenever, therefore, we find the people of a country increasing without any, or with but very little, variation taking place in their condition, we may conclude that the capital of the country is increasing in the same or very near the same proportion. Now, it has been established beyond all question, that the population of several of the States of North America has, after making due allowance for immigrants, continued to double, for a century past, in so short a period as twenty, or at most twenty-five years; and, as the quantity of necessaries and conveniences falling to the share of an inhabitant of the United States has not been materially increased or diminished during the last century, this increase of population is a proof that the capital of the country has advanced in a corresponding ratio. But in all old settled countries, the increase of capital, and consequently of population, is much slower. The population of Scotland, for example, is supposed to have amounted to 1,050,000 in 1700; and, as it amounted to 2,135,000 in 1820, it would follow, on the principle already stated, that the capital of the country had required about one hundred and twenty years to double. In like manner, the population of England and Wales amounted to 6,064,000 in 1740, and to 12,256,000 in 1821: showing that the population, and, therefore, the capital, of that country applicable to the support of man, or the supply of food, clothes, and other articles necessary for the support of human life, had doubled in about eighty years.

"The effects which the different rates at which capital and population advance in different countries have on the condition of their inhabitants, may be exemplified in a very striking manner by comparing the rate of increase and the actual state of the people of Great Britain, with the rate of increase and the actual state of the people of Ireland. It is certainly true that there has been a considerable increase in the capital of Ireland during the last hundred years; though no one in the least acquainted with the progress of the different parts of the empire, has ever supposed that this increase has borne the proportion either of a third or even a fourth to the increase of capital in England and Scotland during the same period. But the increase of population in Ireland, as compared with its increase in Britain, has been widely different from the increase in the capital of the two countries, or in their means of employing people, supporting them in a state of comfort and respectability. According to the tables given in the Parliamentary reports, the population of Great Britain amounted, in 1720, to 6,955,000, and in 1821 it amounted to 14,391,000, having a little more than doubled in the course of the century; while, from the same reports, it appears that the population of Ireland, whose capital had increased in so inferior a proportion to that of Britain, amounted to very little more than two millions in 1731, and to very near seven millions in 1821; having nearly quadrupled in less time than the population of Britain took to double!" He further says: "All the witnesses examined by the committee of the House of Commons, on 'the employment of the poor of Ireland,' in 1823, concur in representing their numbers as excessive, and their condition as wretched in the extreme. Their cabins, which are of the most miserable description, are utterly unprovided with any thing that can be called furniture. In many families there are no such things as bed clothes. The children, in extensive districts of Munster and the other provinces, have not a single rag to cover their nakedness; and, whenever the potato crop becomes even in a slight degree deficient, the scourge of famine and disease is felt in every corner of the country. The Right Honorable Maurice Fitzgerald, M. P., mentions that 'he had known the peasantry of Kerry quit their houses in search of employment, offering to work for the meanest subsistence that could be obtained, for two pence a day; in short, for any thing that would purchase food enough to keep them alive for the ensuing twenty-four hours.'"

I will read but one line more, and then lay down this useful volume. He says, "that while the average market price of a day's labor in England may be taken at from 20*d.* to 2*s.*, it cannot be taken at more than 5*d.* in Ireland."

These undoubted historical facts are so conclusive to my mind, that I will not attempt to enlarge upon what seems so convincing to the reflecting understanding, further than to say that they first convince us that you are not to judge of the prosperity of a nation by its rapid increase of population; but if capital does not advance side by side with population, misery and poverty will be the inevitable consequence, and that the poor will be the first and most numerous sufferers; that capital advanced in England with its population, and wealth and comfort followed in its train; population rapidly increased in Ireland, whilst capital lagged behind, and misery and wretchedness now scourge that people. Then carry out the President's views, and those of his Secretary; after first destroying the United States Bank, then destroying the State banks, by your bankrupt scheme; destroy capital; destroy credit, which the President says has been carried too far, and should be

checked. Do all this, and the poor man sees his fate read in the history of Ireland. Their distresses are great beyond description; their means of support the most scanty; and the Irishman said truly, as he said wittily, that the first mouthful of bread he ever ate was a potato; yes, sir, the potato is his meat and his bread, and often he is without it. Carry out your system, and the cheapest food, which is the potato, will be that which the poor of this country will be forced to live upon. They will not be able to buy a barrel of flour or a barrel of pork.

Bank credit, individual confidence, and the credit system, have been the chief currency of our nation for fifty years. Never has any nation prospered as this nation has in so short a period. But now the President tells us and the people, that the Government must cut loose from the community; that they have been trading on borrowed capital; and have carried the credit system too far. Such language would be ungenerous from that source, if in all respects true. Who did most to adopt measures which brought about these results? You destroyed the United States Bank, and at least tacitly invited the States to fill the vacuum of that institution by making banks of their own. You told these State banks to discount liberally. The people, believing that all was true which you told them, increased their business: the farmer bought more land, the mechanic employed more journeymen. Each went in debt, believing, if your promises of a better currency would be realized, that he could not only meet his liabilities, but enlarge his means. Your promises were not realized; and now he meets with executive denunciation for trusting to that very Executive. Is not this ungenerous? Is it not cruel? It is a very refinement in cruelty, which a fallen angel might envy.

The President, in his message, has written, as I have spoken, about a great many things; among others, he tells us that England has overtraded, and all Europe felt embarrassments as we feel them.

It is often true, (and the President's message proves it,) as Lord Brougham has well said, that philosophers have been led into an error, not uncommon in many of the departments of science, and in none more frequent than in politics—the mistake of the occasion for the cause, and of a collateral effect for a principle of causation. Sir, it is true that there have been, and are, embarrassments in the moneyed arrangements of Europe; but did it originate there? No, sir. I have an interesting pamphlet before me, written very recently, and translated from the French, which I cannot trespass upon the time of the committee to read extracts from. But it shows by the most conclusive demonstration, that the first cause of our distresses was the warfare upon the bank and the currency by General Jackson in this country; that so clearly allied is the whole commercial world with this nation, that embarrassments in this country are felt, and will be, in a greater or less degree, by every Power of Europe with whom we trade. Civilization and commerce have made the human family, so far as trade is concerned, as one people, and you cannot derange the interest of one without affecting the business of all.

This connexion and this dependance have been the result of the credit system, which has been so much denounced, and which has been enlarged upon in the executive message. I have listened to speeches on this floor, in which whole pages of the Gouge plan have been adopted; yes, sir, the whole anti-bank plan. The little States of the Germanic provinces have been alluded to, to show that by individual banks the interest of the people and the nation could be promoted. Sir, statesmen and political economists run into error in receiving the theories of abstract writers. Practical judgment knows how to receive or to eschew maxims of writers which apply to a particular nation in a particular condition. The provinces of Germany are small; the line of business is defined. Our nation is as yet new, and immensely expansive. What may be wise in a little State in the centre of Europe, may not be wise in a large State in an immense hemisphere.

But I deny that any of the Germanic provinces have gained their wealth or their prosperity by the simple gold money system, by excluding the whole foundations of the credit system. And, in support of this opinion, I will read one sentence from the first volume of Lord Broughham's admirable work on the Colonial Policy of European Nations: "Credit has contributed to the astonishing increase of the Dutch settlements, so much wanted in all other colonies." To sustain this opinion, I will read an extract from Thornton on Paper Credit, showing that paper credit has been a great cause of the prosperity of Holland. He says "the extent of the circulating medium of Holland is deserving of notice. Besides the great circulation of bank notes and receipts, Government paper and bills of exchange, (which latter are without doubt a part of the circulating paper of every trading country, although they circulate more slowly than the other parts,) the system of colonial credit must have always thrown into the market a very large portion of circulating paper." Then, sir, when it is thus shown that the Germanic States and Holland owe their prosperity to the paper system and to credit, they will no longer be quoted against both.

If there is one man on earth who knows when to use the credit system, it is the German, whether he is in Europe or America; because he is a close calculator of number one. If he finds, after making his estimates, that he can easily repay, he will then borrow money at six per cent., when he has convinced his mind that he will make eight, or ten, or twelve, upon its judicious use. They do not want the Executive, or any one else, to tell them how to make their estimates; they are themselves the safest calculators in the world.

Some gentlemen here, from the South, have advocated this measure and the views of the Executive—to destroy the banking system of our country, to disconnect Government from the banks, and to restrain the credit policy of the nation. I have, it is true, travelled much through the South, the West, and the North. I have read much of all, and reflected anxiously on their separate and blended interests; still I do not feel sufficient confidence in myself to dissent too rashly from some of the opinions which I have heard of members, who take, with an air of confidence, the interest of their respective regions of the country under their own protection. I cannot, however, restrain the expression of my doubts that the interest of the South will be promoted by these measures. I honestly believe that there is no part of the Union where capital is in such demand, and credit so much required, as in the South—the cotton-growing regions. It may be true that, in some of the old Southern States—in South Carolina, for instance, where capital is somewhat fixed and established—those who receive large patrimonial possessions, with hands upon them to work them, and money to carry them on, may do well in any vicissitude of our policy, but less advantageously upon the new than the old system. But even that favored portion of the population of the States of the South is comparatively but a small portion. The great mass of the cotton-growers are men who have moderate means, and are forced to extend their credit. They may have a few thousand dollars and a few negroes. After they shall have purchased a plantation, they will find their funds are exhausted, and that they must resort to credit to get their establishment into profitable operation; and this is more especially the case of the Southwestern States. An editor in Mississippi some time ago said that that State did not owe less than ten millions of dollars for negroes; in other words, for laboring capital. Now, require that State to pay ten millions in specie, and you would have to

sell at least one fourth of the State to make the amount; and that is the most extensive cotton-growing State in the Southern country.

Sir, I maintain that this very productive labor, as it has been called—the slave labor of the South—is strictly and truly more of capital than labor. I could quote Lord Brougham, and the reasoning of Senator Tracy, to sustain the opinion, but I will not read from either; for I have not time to discuss it before this almost exhausted committee, nor is it important for my present purpose. But, to come to the middle, the grain-growing and agricultural States: how few of the number of their inhabitants have been left farms, and utensils, and money, sufficient to carry on the whole of the paraphernalia of farming operations? Nine out of ten have to purchase farms, and to gain credit for their personal property, in order to carry them on with prosperity. "A farm," says Senator Tracy, "is a real manufactory;" "a field is a real utensil, or, if you please, a store of first materials;" to set it into profitable motion, you must have capital, or credit to gain capital, in order to make it useful or profitable.

But if we were, as it is our duty, to turn our eyes and inquiry farther north, where manufactures and farming go hand in hand together: a manufacturer builds his factory, but finds that his ability will not be sufficient to purchase all of the raw material to be worked up into useful and profitable fabrics. He must either gain credit, or at once dismiss his hands, and abandon his useful enterprise; these hands must work in some other and new employment, for a quarter of a dollar a day, instead of gaining a dollar, if the head of the factory could have obtained credit. Thus, your system will prostrate the man of some capital, and throw out of employment the man who has but a useful trade.

But how can you carry on commerce between man and man without a sound convertible currency, without immense loss to both the consumer and producer? Tracy has truly said that "commerce and society are one and the same thing;" he has said in another place, "commerce is the whole of society, as labor is the whole of riches." The internal commerce among the States and the people of the States is vastly greater than its foreign commerce, and requires some circulating medium to represent value. There is not gold and silver enough for this purpose: then you are forced to have either a convertible or inconvertible paper currency, or make the productions of labor a currency. You had a convertible paper currency, the best in the world, and the nation was happy and prosperous. You taught the people to be dissatisfied with it, and to aid you in destroying it; and they are now afflicted with an inconvertible depreciating currency. To restore the former prosperity, you must restore the former currency.

You tell the people to banish from use small notes; and your measures force the people to countenance their existence. We had a good currency in Maryland a few years ago. That State prohibited the circulation of notes under five dollars, and I believe but one bank under their charters could issue notes of a less denomination. Public necessity has been made paramount to the law and the policy of the State, and every corporation, and almost every individual in business, feels himself authorized to become a banker, and to fill the State with notes of the fractional parts of a dollar. This was the case in all the States, as now, when the first Bank of the United States was destroyed. I have in my possession a relic of those days—a note of the denomination of "ten cents," which a friend sent me from Virginia, on the "Farmers, Mechanics, and Merchant's Bank" of "Charlestown, Jefferson county, Virginia;" issued "November 2d, 1815," and signed "Wm. Brown, cashier." I have another precious relic of past days, when there was no United States Bank. It is printed on coarse stiff paper, and designates "No. 27,418" for "fifteen shillings," "according to an act of the General Assembly of Pennsylvania, passed the thirteenth year of the reign of his Majesty George the Third, dated the first day of October, 1773, signed Thos. Leech, William Criffin, James Stephens;" and on the back of the note is written, "*To counterfeit, is* DEATH." I am as much opposed to the circulation of small notes, and as much in favor of a sound and abundant specie basis, and specie circulation, as any gentleman on this floor. Hence it is that I am in favor of such measures as will effect that desirable result—measures that have been tried; not the chimerical schemes of fanciful politicians.

From the genius and character of our people, spread as they are from the east many thousand miles west, filling all the intermediate country, of every variety of production, from almost the polar region of the North to the land of the sugar cane and perennial verdure, it is impossible to carry on free interchange and trade, without immense loss to the people, without a better currency than we have at this time. I have no doubt if a United States bank were established, with a capital of thirty or forty millions of dollars, to issue no notes of a less denomination than ten dollars, its notes to be received in payment of Government dues, and the notes of all banks that shall resume specie payments within a given period; that, after a limited period, neither the Government nor the bank should receive notes of any bank that issued notes less than five dollars, and, after a further period, of ten—you would gradually have withdrawn all the small notes; confidence would be restored, and the people would once more see and handle specie. The operation would be gradual, and create no alarm, or embarrassment, or derangement in business. Whatever might be the character of the State banks, they would find it to their interest to conform to these regulations; for the receivability of their notes by the Government and the bank would induce them to call in all their small notes; for those banks could not prosper whose notes would be continually returning upon them as soon as thrown into circulation, as the notes of every bank would that were not received by the Government and the bank and its branches.

At any rate, this is the conclusion to which my mind, after anxious research and reflection, has attained. By such a course we would enable the people gradually to extricate themselves from their difficulties, and the nation, now and in future time, would be benefited.

But we have been told by a distinguished member from Virginia, [Mr. ROBERTSON,] that we are not legislating for posterity, but for ourselves; and that posterity will legislate for itself. This is not the first time that I have heard of the remark being made in a legislative assembly, though not by Thomas Jefferson. But there is authority, and very high authority, for it—the authority of Sir Hugh Boyle Roch. Barrington, in his Personal Sketches, mentions that a debate arose in the Irish House of Commons, on the vote of a grant which was recommended by Sir John Parnell, Chancellor of the Exchequer, as one not likely to be felt burdensome for many years to come. It was observed, in reply, that the House had no just right to load posterity with a weighty debt, for what could in no degree operate to their advantage. Sir Hugh, eager to defend the measures of Government, immediately rose, and, in a few words, put forward the most unanswerable argument which human ingenuity could possibly devise. "What! Mr. Speaker," said he, "and so we are to beggar ourselves for fear of vexing posterity! Now, I would ask the honorable gentleman, and this still more honorable House, why we should put ourselves out of the way to do any thing for posterity—for what has *posterity* done for *us?*"

Sir Hugh perceiving, upon taking his seat, that there were many smiling, and not being conscious that he had said any thing out of the way, concluded that the House had mistaken him. He therefore rose and begged leave to

explain, as he apprehended that gentleman had entirely mistaken his words. He assured the House "that by *posterity* he did not at all mean our *ancestors*, but those who were to come *immediately* after *them*.

Such reasoning may have effect on some minds, but it can have none on mine. That an American Congress shall not shape their measures to benefit posterity, is a sentiment I can never subscribe to. There is an instinct in all animated nature, to protect its offspring. The most timid animal that is not endowed with reason will peril its existence to protect its young. What huntsman has not seen the skittish pheasant change its nature, at times, at his sudden approach, and, crying warning to its affrighted brood, flutter before his footsteps, with its rich plumage expanded, as if to challenge his deadly aim! And what generous huntsman has not paused, in harmless admiration, till the fond mother could make an adroit retreat to its secure brood! Is it possible for the day ever to arrive when the House of Representatives will have become so metamorphosed as to forget all instinct of nature, all duty of reason, as to look singly at the selfish interest of themselves, without consulting their duty to posterity? No, sir, it is not possible; the laws of human nature will never be so changed.

I cannot but allude to a remark made by the gentleman from South Carolina, [Mr. Pickens.] He expatiated, as the message has, upon the banking system of this country and England, and said that England had overtraded and overbanked.

I could but picture in my mind that the gentleman from South Carolina was in the British House of Commons, addressing that body with the same earnest and impassioned strain to change its policy, to destroy its bank, and to narrow down its credit system to the standard of his judgment. I could fancy to my mind the whole House giving him profound attention, and admiring his eloquence, if they doubted the wisdom of his views; and that, after he had concluded, some veteran statesman would approach him in terms of friendly gratulation, and privately admonish him, before he made another speech on those subjects, that he should lock himself up in an abundant library, and neither give nor receive a visit until he had thoroughly read the entire history of England in relation to the causes of her prosperity; that then he hoped he would be willing to make a speech on the other side, for he would find ample occasion for that change; he would find it was that policy which quickened into usefulness the hidden coal and embedded ore; it was that system which taxed the watercourses to lessen the taxes of the people, which had before flowed on unobstructed from the mountain side to the ocean; it was that system which makes them now, in tribute to industry, leap on the water-wheel, and labor into motion millions of spindles; it is that policy which has built up factories, and made all England one vast and prosperous workshop, and created her wealth, which all the gold of all the mines of South America could not purchase; and has given her power that half the world could not subdue, and has made almost all of it tributary to her.

Another gentleman, in his remarks yesterday, [Mr. Hunter, of Virginia,] in making a hard-money speech, (and if he will allow me, I will say it was one of the best I have listened to,) wished to demonstrate the evils of the banking system, by referring, in illustration of his position, to the fact that, during the long war in Europe, the French Government adopted the policy of making a run on the Bank of England, whose paper was in circulation on the continent, and consequently the bank had to suspend specie payments. That honorable gentleman is right in his historical fact, but I must differ with him in his conclusion, that the British Government sustained an injury by that bank from this circumstance.

It is true, Mr. Chairman, that the French nation thought that one of the best ways of defeating the British arms was to make an attack upon the means of supply of money to her armies, and did employ Jews to present at the counter of the Bank of England its notes. But did that quick-sighted nation bend to the policy of its enemy, and countenance the discredit of its bank? Did the Government of England, when a run was made on the bank, do as our Government has done—denounce and aid to ruin the bank? No, sir. The ministers at once brought in a bill to invite—yes, sir, to request—the Bank of England to suspend specie payments. Did the Government of England do as our Government has done—refuse to take the notes of the bank? No, sir; in that very bill of 1797 they made the notes a legal tender, and stamped the encouraging seal of the nation upon them, by saying that the Government would take them for public dues. It was a consummate policy, and the sequel proved it; for, although the law was limited to six months, I think it was renewed, from time to time, for some twenty years. Did the notes of that bank depreciate as the notes of our banks have, that have been dishonored by the Government? Read the history of English currency, and you will find that they did not. That policy prevented a panic and sustained credit, and enabled England to contract a debt of twenty five hundred millions, in a war of unprecedented consumption and fury. By preserving credit at home, she gained it abroad; and nothing aided her more than the Bank of England. It was this policy which made her victorious in that war; it was because industry was her capital, and credit her currency.

Mr. Chairman, I have trespassed much longer upon the time of the committee than I had intended; but a dread of the consequences of this measure upon the farmers and mechanics of the district which I represent has induced me, together with the attention which I have received, to claim so large a portion of your time.

I will answer one other remark, whilst up, from my Southern friends, and then hand them over to their constituents. My friend from Virginia [Mr. Robertson] said that he voted for this same scheme in the twenty-third Congress, when General Gordon proposed his "skeleton" of a bill; that, as he went for the "divorce" system then, he will sustain his consistency by going for the bill under debate; and that most of the members of the opposition went for it then. A friend from the Eastern Shore of Virginia [Mr. Wise] has informed the House that he and many others voted for it then, in courtesy to his colleague who had moved it, so as to bring the proposition before the House; but never dreamed for a moment of voting for it on its final passage.

I wish here to say that I was not in my place—from indisposition—when the vote was taken on General Gordon's proposition; but had I been, I would have voted against it.

If my honorable friend is willing to sue out for a "divorce," in order to marry a "skeleton," I should not be, if I were united to the worst shrew in the world. But there is no debating about taste.

If I wished to consult a lawyer of profound legal reading and reflection upon an abstract question in that complex science, the first gentleman in this House that I would approach would be the learned gentleman from Richmond, [Mr. Robertson;] but if I wished to ask advice in selecting "a help meet," I think that he would be the last. I will candidly admit that my friend has more courage than myself. I do not believe that I could screw my courage up to join in wedlock's embrace a skeleton of dry bones. I would have first to see it filled with muscles, flesh and blood, life and animation, fair symmetry and proportion. I must first see the human form and face divine; and then, but not till then, I would venture to—"speak to it."

What assurance can the gentleman have that his skele-

ton might not be made by the Secretary, who has to fill up the outlines of the form—a hideous caricature—a monster in human form, afflicted with

"All the ills that flesh is heir to."
"—— —— all diseases, all maladies,
Of ghastly spasm, or racking torture, qualms
Of heart sick agony, all feverous kinds—
Convulsions, epilepsies, fierce catarrhs,
Intestine ills and ulcers, colic pangs,
Demoniac phrensy, moping melancholy,
And moon-struck madness, pining atrophy,
Marasmus, and wide wasting pestilence,
Dropsies, and asthmas, and joint-racking rheums?"

The skeleton of the bill before us—for it is but a skeleton—although accompanied with "vaults" and "strong boxes," they are not boxes of ointment—they are but Pandora's boxes, filled with scourges and diseases, without having hope at the bottom, with which the Secretary may afflict with pestiferous evils the body politic on whom you are going to force this unnatural alliance.

But, before I exhaust the patience of this committee and myself, I wish to refer to one historical fact, in hopes that the advocates of this measure may find a moral in it; and in the hope that they may pause and profit by it before they consummate this hasty and ill-judged measure.

At one period of the English history, corporate privileges were as unpopular as they have been made in this country; they were unpopular because abuses existed under them—real, not imaginary; and in none did abuses exist to so great an extent as in the East India Company.

Mr. Fox, who was made Premier, finding that popular feeling existed strongly against the abuses practised under that company's incorporated privileges, and knowing how strong an influence he could wield if he could bring every interest connected with that company to be dependant upon the ministry, conceived the plan, not of remedying the evils, but the bold scheme of annulling their charter, and appointing commissioners with absolute power to conduct the affairs of that company. He brought forward a bill, and predicated it upon a plausible preamble of the good of the company and the good of the people, for its better regulation and theirs. It was not the skeleton of a bill, like this on your table, but full and ample in its parts and in its details. That the committee may judge of its character, I will request the Clerk to read the preamble and the first section:

["A Bill for vesting the affairs of the East India Company in the hands of certain commissioners, for the benefit of the proprietors and the public.

"Whereas disorders of an alarming nature and magnitude have long prevailed, and do still continue and increase, in the management of the territorial possessions, the revenues, and the commerce of this kingdom in the East Indies; by means whereof the prosperity of the natives has been greatly diminished, and the valuable interests of this nation in the said territorial possessions, revenues, and commerce have been materially impaired, and would probably have fallen into utter ruin, if an immediate and fitting remedy were not provided:

"Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and the Commons, in this present Parliament assembled, and by the authority of the same, That the government and management of the temporal possessions, revenue, and commerce of the united company of merchants of England, trading to the East Indies, by the directors and proprietors of the said company, or either of them; and all and singular the powers and authorities of the said directors and proprietors, or of any special or general or other court thereof, in the ordering and managing the said possessions, revenues, and commerce; and all elections of the directors of the said company be, and are hereby, declared to be discontinued for and during the continuance of this act, any charter, usage, law, or statute to the contrary notwithstanding."]

The section which you have heard is sufficient for my purpose.

"Ex uno disce omnes."

For the public good he was for seizing upon its chartered rights and its revenues, making it dependant upon the executive will. Under a tide of strong popular feeling, he carried his bill through one House with an immense majority. His bosom glowed with triumph, and he fancied himself secure in his place.

The public mind passed, and judgment had time to counsel its feeling. The people began to reflect upon the consequences of the measure. They saw if that company was to be destroyed, its charter taken from it, and all control placed in the hands of a few, it might be the case of all other institutions; every chartered privilege might be taken the same way, and, finally, all power in the nation might be exercised by the Executive, or surrendered to it by a subservient Parliament. They soon drew a distinction between remedying and destroying; and, by the force of a change in the popular mind, the bill was lost in the other House, and Mr. Fox was no longer minister.

What was the great Fox's fate may be the fate of others. Let others, therefore, take warning by the lessons of history.

Our institutions are too firmly implanted in our general system, they have taken too deep root in the business and well-being of society, property is too much valued and too equally divided by the laws of our States and the laws of industrious gain, for the people to throw all things into hotch-potch and form a common stock, or ever to induce them to sustain such measures, or measures which lead to such results. The golden bawble will not now even amuse much less captivate, sober, well-thinking men. You cannot even entice children with it.

You may, in a few congressional districts, still hold out the delusion to the people, but be assured they will be but few. There is one district north of "Mason and Dixon's line" in which it may succeed—a district represented on this floor by a gentleman who defeated one of the most intelligent and amiable gentleman I have ever known, by telling his constituents enormous witch stories—stories as miraculous as were ever told by the famous "witch king" who figured in the north of England some three centuries ago. But he finally was drowned, and as I know that there are mill-ponds in that gentleman's district, more than six feet deep, I beg the member to keep a look out.

Sir, since the days of Isaac of Cyprus, no man has been pleased to have golden fetters placed upon him. Hume informs us, that after his treasures were seized upon by Richard the First, and the prince incarcerated and bound in irons, he complained of the cruelty of his conqueror. Richard had the iron fetters taken off, and golden ones placed on in their stead. The Cypriot, pleased with this distinction, expressed his gratitude for the generosity of his conqueror.

The people have been restrained in their business by golden fetters, which the executive brain has forged; they want them thrown off, so that they may have elbow-room to prosecute their industry as formerly.

I ask, I beseech, this House to pause in its course before it sanctions such a ruinous measure.

I appeal to the candid of all parties, whether conservatives, administration men, or whigs, to let us cease this "triangular fight," and unite in defeating this measure. If we have differed as widely as the poles on other questions, let us unite in defeating this. Let us say, in the language of another, "Like men we differed, but like men we have agreed." I had rather see the pet bank plan new vamped and tried again.

If you will not reject this bill, or will not lay it on the

table never to be called up again, and are resolved to pass it, let the worst come to the worst quickly; and the people, who will suffer, will soon show that they have power as well as the Executive and the two Houses of Congress; and that the constitution has informed them how they can remedy their grievances.

But I hope it will be rejected, and that the Executive will do as the Kings of England and of France are forced to do in like cases—change his ministers and his measures. Or, if he will not change his advisers, at least change his measures. Or, if he will not change his measures or his advisers, then, as a republican President, in practice, finding himself in a minority in either House, and that he and his ministers will not alter their views of the constitution and the policy of the nation, they will resign the seals of office to the people, and say to them, elect other agents; we come down from our high places, that other, and abler, and better men may ascend.

Or, are the lines of the philosophic poet true?

"The age of *virtuous* politics is past!
And we are deep in that of *cold pretence*;
Rulers are grown too shrewd to be sincere—
And we—too wise to trust them!"

Mr. Johnson having concluded,

Mr. LEGARE moved that the committee rise, but was solicited to withdraw it by

Mr. DAWSON, of Georgia, who wished to offer an amendment; but that gentleman having explained, the motion was still insisted on.

Mr. CAMBRELENG hoped the committee would not rise.

The vote was taken by tellers, and decided in the negative: Ayes 75, noes 93.

So the committee refused to rise.

The question was then put on the substitute for the bill moved by Mr. Garland, of Virginia, (proposing to continue the deposites in such banks as should resume specie payments, &c.; when it was rejected: Ayes 73, noes 90.

Mr. CAMBRELENG now moved that the committtee rise, and report the bill.

Mr. DAWSON now offered his amendment, which was the following substitute for the bill:

Strike out the whole bill and insert as follows:

Sec. 1. That it shall be the duty of the Secretary of the Treasury to select, as soon as practicable, and employ as the special depositories of the money of the United States, such of the banks incorporated by the several States, by Congress for the District of Columbia, or by the Legislative Councils of the several Territories, as may be located at, adjacent, or convenient to the points or places at which the revenues may be collected or disbursed; and in those States, Territories, or Districts where there are no bank or banks, and within which the public collections or disbursements require a depository, the said Secretary may make arrangements with a bank or banks in some other State, Territory, or District adjacent, to establish an agency or agencies in the States, Territories, or Districts so destitute of banks, as banks of such special deposite, and to receive through such agencies such special deposites of the public money as may be directed to be made at the points designated, and to make such disbursements as the public service may require at those points: the duties and liabilities of every such bank thus establishing any such agency to be the same, in respect to its agency, as are the duties and liabilities of said banks of special deposite generally under the provisions of this act: *Provided*, That at least one bank shall be selected in each State, Territory, or District where the collection or disbursements of the public money may require, if any can be found in such State, Territory, or District, willing to be employed as the special depository of the public money upon the terms and conditions prescribed by this act, and shall continue to conform thereto; and that the Secretary of the Treasury shall not suffer to remain in any deposite bank an amount of public moneys more than equal to three-fourths of the amount of its capital stock actually paid in, for a longer time than may be necessary to enable him to make transfers of the same, as required by this act; and the banks so selected as the special depositories shall, in his opinion, be safe depositories of the public moneys, and shall continue to do and perform the several duties and services and to conform to the several conditions prescribed by this act.

Sec. 2. *And be it further enacted*, That if at any point or place at which the public revenue may be collected or disbursed, there shall be no bank located, or none there located which, in the opinion of the Secretary of the Treasury, is in a safe condition, or where all the banks at such point or place shall fail or refuse to be employed as special depositories of the public money of the United States, or to comply with the conditions of this act, or where such banks shall not have sufficient capital to become the special depositories of the whole amount of public moneys collected or disbursed at such point or place, he may and shall order and direct the public moneys collected or deposited for disbursement at such point or place to be deposited in some other bank or banks in the same State, Territory, or District, or in some one or more of the States, Territories, or Districts adjacent, upon the same terms and conditions: *Provided*, That nothing herein contained shall be so construed as to prevent Congress at any time from passing any law for the removal of the public moneys from any or all of said banks, or from changing the terms of deposite; or to prevent the said banks, or any of them, at any time from declining any longer to be the depositories of the public moneys, on hand, according to the terms of agreement with the Secretary of the Treasury.

Sec. 3. *And be it further enacted*, That no bank shall hereafter be employed as a special depository of public money until such bank shall have first furnished the Secretary of the Treasury with a satisfactory statement of its condition and business, a list of its directors, the current price of its stock, a copy of its charter, and all such other information as may be necessary to enable him to judge of the safety of its condition.

Sec. 4. *And be it further enacted*, That said banks, before they shall be employed as the special depositories of the public moneys, shall agree to receive and keep the same safely, upon the following terms and conditions, to wit:

*First*. Each bank shall receive, as special deposites, all moneys of the United States paid into the same, and the same keep as a special deposite, and as specie, to the credit of the United States, and not use or bank upon the same.

*Secondly*. Each bank shall furnish to the Secretary of the Treasury, from time to time, and as often as he may require, not exceeding once a week, statements setting forth its condition and business, as hereinbefore prescribed, except that such statements need not, unless required by the Secretary, contain a list of directors or copy of the charter. And the said banks shall, respectively, furnish to the Secretary of the Treasury and the Treasurer of the United States a weekly statement of the condition of his account from their books; and the Secretary of the Treasury shall have the right, by himself or an agent appointed for that purpose, to inspect such general accounts in the books of the bank as shall relate to said statements: *Provided*, This shall not be construed to imply a right to inspect the account of any private individual or individuals with the bank.

*Thirdly*. To credit as specie all sums deposited therein to the credit of the Treasurer of the United States, except such as may be deposited in Treasury notes, or such other notes or scrip as Congress has or may hereafter specially direct to be received in payment of the public dues, not

being bank notes, and to pay all checks, drafts, or warrants drawn on such deposites in specie, if required by the holder thereof.

*Fourthly.* To give, whenever required by the Secretary of the Treasury, the necessary facilities for transferring the public funds from place to place, within the United States, and the Territories thereof, and for distributing the same in payment to the public creditors.

*Fifthly.* To render to the Government of the United States all the duties and services heretofore required by law to be performed by the late Bank of the United States and its branches.

Sec. 5. *And be it further enacted,* That the Secretary of the Treasury shall be, and he is hereby, authorized and required, whenever, in his judgment, it may be necessary or proper, to require of any bank so selected or employed as a special depository of the public money, collateral or additional securities for the safe-keeping of the public moneys deposited therein, and the faithful performance of the duties imposed on them.

Sec. 6. *And be it further enacted,* That the Secretary of the Treasury shall, in each case, take from the banks which shall agree to receive the deposites of the public moneys, bonds with good and sufficient sureties, containing conditions for insuring the faithful performance of all the duties required by law, and for the proper enforcement of the same.

Sec. 7. *And be it further enacted,* That no bank which has been so selected and employed as the place of deposite of the public moneys, shall be discontinued as such depository, or the public money withdrawn therefrom, except for causes hereinafter mentioned; that is to say, if, at any time, any one of said banks shall fail or refuse to perform any of said duties as prescribed by this act, and stipulated to be performed in its contract; or shall fail to keep in its vaults, at any time, such an amount of specie as shall be required by the Secretary of the Treasury, and shall be, in his opinion, necessary to render the said bank a safe depository of the public moneys, having a due regard to the nature of the business transacted by said bank; or shall fail to keep separate, and as a special deposite, the moneys deposited therein to the credit of the United States; or fail to pay the same when demanded by the holder of any draft, check, or warrant, in specie, when there is on deposite to the credit of the United States sufficient specie therefor; in any and every such case, it shall be the duty of the Secretary of the Treasury to discontinue any such bank as a depository, and withdraw from it the public moneys on deposite in it at the time of such discontinuance. And in case of such discontinuance, it shall be the duty of the Secretary to report to Congress immediately, if Congress be then in session, and, if not in session, then at the commencement of its next session, the facts and reasons which have induced such discontinuance. And, in case of the discontinuance of any such bank as a place of deposite of the public money, for any of the causes hereinbefore provided, it shall be lawful for the Secretary of the Treasury to deposite the money thus withdrawn in some other bank of special deposite already selected, or to select some other bank as a place of special deposite, upon the terms and conditions prescribed by this act And, in default of any bank to receive said special deposites, the money thus withdrawn shall be kept by the Treasurer of the United States, according to the laws now in force, and shall be subject to be disbursed according to law.

Sec. 8. *And be it further enacted,* That the Secretary of the Treasury is authorized and required to fix, in his contract with the said banks, respectively, which may be selected as the special depositories of the public moneys, such a compensation as he may judge reasonable, for the services required to be performed by this act, provided the rate of such compensation shall in no case exceed — per cent. on the public moneys so deposited.

Sec. 9. *And be it further enacted,* That it shall be the duty of the Secretary of the Treasury to lay before Congress, at the commencement of each annual session, a statement of the number and names of the banks employed as special depositories of the public moneys; of the terms upon which each is employed; and of their condition, and the amount of the public moneys deposited in each, as shown by their returns at the Treasury. And if the selection of any bank as a special depository of the public moneys be made by the Secretary while Congress is in session, he shall immediately report the name and condition of said bank, and the terms on which it is employed, to Congress; and if such selection is made during the recess of Congress, he shall report the same to Congress the first week of its next session.

Mr. CUSHING, of Massachusetts, moved that the committee rise, (with the desire, as he said, that Mr. LEGARE, who had first made the motion, should be considered as entitled to the floor when the committee should resume its sittings,) and the motion prevailed: Ayes 98, noes 89.

So the committee rose, and reported progress; and, at about 9 o'clock P. M., the House adjourned.

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FRIDAY, OCTOBER 13.

## REMUNERATION FOR LOSSES IN THE FLORIDA CAMPAIGNS.

On motion of Mr. WHITTLESEY, chairman of the Committe of Claims, the House took up the bill reported by that committee, to amend the bill making provision for the remuneration of volunteers and others, for horses, &c., lost in the military service of the United States.

[The Committee of Claims accompanied this bill with a report, stating

"That several claims are presented to the committee, arising from the horses and saddles, and other equipage of disbanded mounted volunteers, having been turned over to the United States, by the order of General Jesup, as it is alleged, when said volunteers were dismissed from the service.

"It is represented to the committee by Colonel King, acting adjutant to Colonel Caulfield's regiment of Alabama mounted volunteers in Florida, that most of the claimants with whom he is acquainted are young men who obtained their horses and equipage on credit, and that they are obliged to look to the United States for the value of the property to enable them to make payment to the persons of whom they purchased. Most, if not all, of the claimants were sick at the time they were dismissed, or left the service on furlough; and it was thought best by General Jesup that they should return home by water, rather than encounter the fatigue, hardships, and danger of returning home by land. The committee, at the last session of Congress, reported a bill for the relief of James L. Kenner, whose horse was turned over to the United States by the order of the commanding officer, on the discharge of said Kenner by reason of sickness.

"The committee refer to that report in the first volume of Reports, No. 3. The number of claims that will be embraced under a general law, Colonel King thinks may be one hundred. It appears to the committee it is expedient to provide for this class of cases by a general law."]

The House having resolved itself into a Committee of the Whole on this bill, (Mr. BRIGGS in the chair,)

Mr. CARTER said he was not opposed to the bill now under consideration, except that its provisions were not sufficiently extensive. It did not embrace a class of cases of real hardship that he believed existed. He said he would take this occasion to bring to the notice of the committee, and at the same time suggest to the honorable chairman of the Committee of Claims, that there were among the volunteers some cases of real and peculiar hardships, that were

not yet provided for by law, although great exertions were made at the last Congress in their behalf; and he would now tender to the honorable chairman of the Committee of Claims his acknowledgments of gratitude for his assiduity and exertions favorable to the relief of those patriotic young men he had the honor to represent, and who had sustained losses in the service of their country.

Mr. Chairman, in my opinion, the Government should always be scrupulously careful never to permit the patriotism of her citizens to be rewarded with ingratitude and with losses, and, consequently, with embarrassments that may render their domestic peace and tranquillity precarious for years. Sir, it is not the aristocracy or the wealthy that most usually embark in the toils and dangers attendant on a campaign in times of troubles and of war; but, sir, real patriotism and love of country, in its most disinterested form, is always found with those whose circumstances are more humble—not humble in the common acceptation of the term, but only humble so far as wealth is concerned. These are the men who are always first in the field in defence of their country's rights and honor. In the late campaigns in the West, many of such men were volunteers; and many were they who had not the means of equipping themselves, furnishing their horses, &c., only upon time, and by the aid and endorsements of their friends. Now, I submit it to this House—I submit it particularly to the Committee of Claims, and to the country—whether such men as these are to be permitted to be the sufferers, on account of their manifested patriotism and risks in the service? If so, I say to all that such conduct, such ingratitude, will deter all men in humble circumstances, or who are poor, from engaging in the country's defence.

The provisions of the laws now in force, for the payment for lost property, are limited, and do not cover the cases of hardship to which I have allusion. Those laws merely provide payment for property lost in battle, or lost on account of the Government failing to furnish the necessary supplies of provender. But, sir, there are other cases for which Congress is in honor and duty bound to make ample remuneration. I know some volunteers that involved themselves, and their friends with them, to purchase horses and other necessary equipage for the campaign, and who lost their horses in the service; but perhaps not in battle, nor for the want of forage. Therefore, by the laws now in force, their claims cannot be recognised and paid by the Third Auditor, who is charged with the settlement of these claims. But, sir, these horses were lost by casualty or unavoidable accidents, and were lost in the service of the United States; and being so lost, the Government is as much bound, in honor and justice, to remunerate the soldier thus circumstanced, as though the loss had occurred in battle, or by the default of the United States in furnishing forage. Sir, some of these praiseworthy volunteers are now doomed to labor by the day, or the month, or by the year, to procure the money they owe for horses purchased and taken into the public service, and there lost by casualty; and thus far the Congress of the United States, who directed the Executive to invite them into service, have wholly failed to meet their distresses, by not ordering their relief, and indemnifying them against these liabilities and these losses. Is this right, sir? I say most unequivocally it is not; and I say, further, let the Government continue to refuse payment, and you cast a damp upon the patriotism of the West, and upon the whole country, which will, in all time to come, deter, in a great degree, men in moderate circumstances from incurring monetary liabilities, to go to the field, at the call of the Government, for her defence. And whenever you cut off that class, by your parsimony and rigid policy, you cut off that portion of the defence of the country that has never deceived you, and has never lent a deaf ear to your calls, and the distresses of the country.

Sir, I will take occasion to say here that, in my opinion, (if the reports be true that have reached my ears,) the Government has not dealt as kindly and as liberally as she should have done towards the volunteers of Tennessee. We provided by law at the last Congress, that the soldiers or volunteers who had rendezvoused, were mustered, and immediately discharged, should be paid one month's full pay; and, by the estimates furnished the Committee of Claims by the War Department, one month's full pay was made to amount to between $65 and $70, I think, perhaps $68 and some cents; and, by the decision of the Attorney General under the old law, another class of those volunteers, that were indefinitely furloughed, and required to return to service if they should be ordered to do so, were to be considered in service until absolutely dischaged, and consequently were entitled to their full pay. I have heard some hints, sir, that the War Department has not carried into effect this law, and this decision, as was contemplated by Congress and those representatives who were looked to to guard and sustain the rights of those particular individuals. I do not know, sir, how far the War Department has failed in a compliance with the law; nor have I any idea as to what extent those volunteers have been injured by the defalcations of the Government. But I hope, and I have no doubt, I will be able to obtain the information; and, if my fears are realized, and they have been defrauded out of any portion of the amount that Congress intended they should have, and I cannot obtain redress by an application to the Secretary of War, I will feel myself bound to bring the subject again to the consideration of this House, believing that the representatives of the people are ready upon all occasions to do justice to the people. And I am glad now to have the assurance of the honorable chairman of the Committee of Claims that he will afford all the aid in his power to render to the volunteers of my State ample compensation for their service and their losses at the next meeting of Congress. I have also a right to complain, on behalf of these men, in another point of view. I am informed our volunteers were paid off in the depreciated bank paper that was perhaps ten or fifteen per cent. below par. If this be true, and my former suggestions be true, that they have not been paid as much as Congress intendedthem to have, why, sir, your volunteer soldiery of Tennessee have been cheated and defrauded out of half, or at least a large portion, of their just dues. And if so, we must ask Congress hereafter, whenever the true state of facts can be ascertained, to grant such relief as the merits of those claimants may justly and honestly demand. And I have no doubt, from the disposition heretofore manifested by this House, and by the Committee of Claims, in relation to this deserving and meritorious class of claimants, that ample relief will be awarded them.

Mr. WHITTLESEY explained the grounds on which the Committee of Claims had reported the bill; and after a few remarks by Mr. CHAPMAN,

Mr. EWING offered an amendment extending the provisions of the bill to all persons engaged in the service at the battle of Tippecanoe, and prior to the late war with Great Britain.

After some few remarks by Mr. CARTER, the amendment was rejected.

Mr. THOMPSON moved to add a section to the bill providing payment for all horses impressed into the service in Florida.

After a few remarks by Messrs. THOMPSON, WHITTLESEY, and CLARK, the amendment was rejected.

On motion of Mr. WHITTLESEY, the committee then rose and reported the bill to the House.

The SPEAKER having resumed the Chair, and the question being on the engrossment of the bill,

Mr. EWING, after some remarks, renewed the amendment he had submitted in the Committee of the Whole,

and called for the yeas and nays on the question; which were not ordered.

After a few words by Messrs. PETRIKIN, WHITTLESEY, and EWING, the amendment was rejected.

Mr. EWING then varied his amendment somewhat, and moved it again; but the CHAIR ruled it to be out of order.

Mr. THOMPSON then renewed his amendment made in Committee of the Whole.

Mr. CARTER called for the yeas and nays, but the House refused to order them, and the amendment was rejected.

Mr. PETRIKIN moved that the further consideration of the bill be postponed until the first Monday in December next; lost.

The bill then, having been ordered to be engrossed, was read a third time and passed.

The House then proceeded to the orders of the day.

## THE CURRENCY OF THE DISTRICT.

The Senate bill, restraining the circulation of small notes in the District of Columbia, came up, and was read twice. The question on its reference pending,

Mr. PATTON moved its reference to the Committee for the District of Columbia.

Mr. THOMPSON moved its postponement until the first Monday in December next.

Mr. THOMAS suggested the Committee on the Judiciary.

Mr. BOULDIN was in favor of the motion of Mr. PATTON. He was sure the Committee for the District would give the subject proper attention.

Mr. ADAMS was in favor of the postponement. And he hopod that if it were referred to the Committee for the District of Columbia, that committee would report that it was expedient to postpone it. After all the mass of legislation in the great State of New York, against such a circulation, it was still in full currency there, and it became Congress to pause before they adopted any such measure.

Mr. HARLAN moved that the whole subject lie on the table; which, being a question entitled to precedence, was entertained and carried.

## THE SUB-TREASURY BILL.

On motion of Mr. CAMBRELENG, the House then went into Committee of the Whole, and resumed the consideration of the Senate bill imposing additional duties on certain officers.

Mr. DAWSON's amendment, providing that State banks be used as places of special deposite for the revenue, being immediately under consideration,

Mr. LEGARE rose and addressed the chair as follows:

Mr. Chairman: I do not know how I can more appropriately begin the remarks I am about to make, than in the very words with which a most able English writer, addressing himself to the causes and character of the recent crisis, concludes his: "The events (says Mr. Samuel Jones Lloyd, in a pamphlet published last spring) which have occured in connexion with the late pressure upon the moneyed and mercantile interests, are full of instructive illustrations of the effects, both beneficial and otherwise, of our present system; and the evil consequences of this pressure will be as nothing, compared with its benefits; if, amongst these, we shall be enabled to reckon an increased degree of intelligence upon subjects connected with currency, and a nearer approximation to sound principles in the management of our paper issues." The revulsion, it is true, has been far more disastrous on this side of the Atlantic than in England; and yet even at its darkest period—now, as I confidently believe, passed away to give place to returning prosperity—I found consolation in the idea, that dearly as we were buying our experience in this important matter, the price would not be too high for the benefits we should ultimately derive from our reverses. A national visitation ought to be considered as a great providential lesson. It teaches the most momentous truths, and it teaches them in the most impressive manner, and what we have recently seen and felt will dispose us—if any thing can dispose us—to look the difficulties with which this subject is surrounded fairly in the face.

Sir, it is surrounded with difficulties. Even in England, as you perceive from the citation I have just made, they are felt and acknowledged by the most able men. I have upon my desk many other proofs of the same fact. They abound, for instance, in the minutes of evidence taken before the committee of the House of Commons on the renewal of the charter of the Bank of England, in 1832. You will find there, that while high authorities* agree in thinking that there should be but one bank of issue for the capital, at least, if not for the whole country, the representatives of the great commercial and manufacturing interests, on the contrary, protest against the continuance of a monopoly to which they impute the most sinister influence over their immense business,† and demand a system of joint-stock banks, regulated by principles more agreeable, as they contend, to the course and policy of trade. A third party insists upon the necessity of compelling all banks of issue to give adequate security to the public, (in Government stock, &c.) for the redemption of their issues,‡ while every stockholder or partner shall continue to be, as at present, responsible for all the debts of the company, to the whole amount of his private fortune. A fourth (and I have received from London a little volume in which that opinion is most plausibly maintained) urges the most unlimited freedom in banking; and sees no more danger to society from perfect liberty in this than in any other branch of business; the supplying, for example, the market of a great capital with the necessaries of life.§ In this complexity and distraction of English opinion upon this subject, however, all parties agree in one thing, and that is, in adhering to the paper system. Nobody there thinks of any thing so extravagant as the overthrow of that system, whatever defects may be seen or supposed to exist in it, or whatever projects may have been imagined to purify, to correct, and to improve it.

But if such is the state of English opinion in regard to this subject, how must it be with us, when to all the intrinsic difficulties of the thing itself, we add those arising out of the complicated structure of our political institutions? It would be hard enough to say what ought to be done, in the present emergency, were this a simple consolidated Government; but how much harder is it to advise the administration of a Federal Government as to the course it ought to pursue, where one happens to doubt its possessing all the power necessary to give complete relief, without a co-operation of others? For, sir, at the risk of being set down in that category of "tiny politicians," of whom the gentleman from Maryland, [Mr. W. C. JOHNSON,] in a very amusing speech, in the course of which, however, he uttered some grave and important truths, spoke last night with such profound contempt, I must confess I agree with the Executive in the general principles of constitutional law involved in the message. In the divisions of the attributes of sovereignty between this Government and the States, it may and must happen, that we should experience sometimes a chasm, and sometimes a conflict of powers. More is taken from the States, perhaps, than has been

* Messrs. Horsley, Palmer, Tooke, Rothchilds, &c.

† Messrs. Burt, Smith, and Dyer, of Manchester. It is worthy of remark, that these remonstrances were admitted to be well founded by the change which, in consequence of them, was made in the law, in reference to joint-stock banks beyond 65 miles from London.

‡ Messrs. Ricardo, McCullough, Norton, (the minutes, &c., just cited.)

§ Money and its Vicissitudes in Value, by the author of the Rationale of Political Representation, and Critical Dissertation on Value, &c. (Mr. Francis Bailey.)

given to the confederacy; neither can do enough, while each can do too much, for perfect harmony; defects, discrepancies, and contradictions, exist in the scheme itself, detected only in a long course of practice, and which nothing but practical skill, the wisdom called for and called forth in the management of great affairs, especially political affairs, can reconcile and rectify. Undoubtedly the task is an immensely difficult one—but it must be undertaken and it must be done. The subject before the committee is an example of the high and difficult duties I refer to; nor can I imagine an occasion better fitted than this to awaken the House to a lively sense of its infinite responsibilities to the country.

Judge, then, sir, with what deep disappointment and regret, I learned that the bill on the table was to be pressed upon us at this short session. It is quite enough for me, that it proposes a great innovation upon the whole course of the Government, from its foundation up to the present moment, and upon all the habits of our people. They who see deeper or clearer into such matters than I do, must pardon me for declaring that I cannot conscientiously vote for the measure in such haste. If I had no positive objections to it, it would be quite enough for me, that I have not had sufficient time to reflect on it. During this extraordinary session, (for so it has been in every sense of the word,) fatigued, harassed, exhausted, by incessant attendance, by night and by day, in this hall, it has not been in my power to inform myself on any subject as I could have wished to be able to do. I have had absolutely no time for minute research, hardly a few hours for calm reflection. Under such circumstances, I cannot vote for the bill. I must go home to my constituents and talk with them. Many, perhaps most of them, understand these matters better than I do; but when I left them, although this subject had been discussed, and ably discussed, here and there, by an individual or two, public attention had not been awakened to it; and nothing like an opinion—certainly no opinion favorable to the principle of the bill—had been formed in regard to it.

And here, sir, I might take my seat again, if I had risen only to explain my own vote, or to influence those of others, on the proposed measure. But the true issue seems to me very far to transcend, in importance, that single measure, important as it unquestionably is. It involves, in my opinion, the whole credit system of the country. I do not say that the bill on your table presents that issue, still less that the Executive message presented it, or propounded any principle or opinion that should lead to it. But no one who has watched the progress of this discussion, in this House or in the Senate—in or out of this Capitol—will deny that it must soon come to that. Sir, if there is any truth, at all, in what has been urged with great ability and all the zeal, I had almost said the fanaticism, of the deepest conviction, by men accustomed to influence, nay, even to control public opinion in different parts of this country—if they have any idea of rigorously carrying out the principles they profess, to their logical consequences, in practice—if what they say in the highest places, on the most solemn occasions, is not such idle declamation as such men are not to be suspected of—they mean that, and nothing short of that. Doctrines have been uttered, with all the authority which can be imparted to paradox from talent ripened by experience, which seem to me inconsistent with the constitution, not only of American, but of all modern society, with its whole spirit and tendency—with all its wants and all its ways. I have, sometimes, in the course of the debates, looked around me to see where I really was—whether the shade of some old lawgiver, some Minos or Lycurgus, had not been evoked, to bring a degenerate age back to the stern principles of Dorian polity, to an agrarian equality of property, to iron money and black broth; or else, if it were not the spirit of Benedict or Bernard, returned to the holy solitudes of Monte Cassino, or Cluni, or Citeaux, to preach to a world lost in vanity and pleasure the blessings of poverty and mortifications of the flesh. Now, sir, it may be true that luxury, according to the old saw, is the ruin of States, and that sumptuary and agrarian laws are necessary to maintain your true Spartan discipline. But I am excessively disinclined to try any such experiment upon my constituents; at least without receiving an express instruction, to that effect, from them. I am afraid they have no taste for black broth; that Spartan discipline will be irksome, and even revolting to them. In short, sir, I have reason to believe, that, without being as deeply imbued, perhaps, as other people are, with the spirit of the age, they do still partake too much of it, to be willing to forego the many agreeable objects that principally engage and excite it.

Sir, I am far from denying that, in the eyes of a stern reformer, with opinions of a certain complexion, this generation is a perverse and crooked one. We love money, I admit, as much as men ever did—certainly as much as they did in the Augustan age, nearly two thousand years ago. The committee will excuse my quoting a very common piece of Latin to prove it, after the example of other gentlemen in this debate.

> Quærenda pecunia primum est;
> Virtus post nummos—Hæc Janus summus ab imo
> Prodocet.

Make money by all means, and before all things. Washington street certifies it to Wall street, and Wall street declares it to Broadway, and Broadway proclaims it to Chesnut street, and Chesnut street publishes it to the whole country. We have the same strong thirst for gold which has unhappily afflicted mankind in other times, and especially in very civilized ages; and the only difference is, that we have learned how to acquire, by honest means, a thousand times more of it. I will add, however, in justice to the age, that it has made a great discovery in social philosophy. We have found out that—what I would call physical civilization—a demand for the conveniences and accommodations of life, and an abundant supply of them is, and must be, the basis of all other civilization, that is intended to be high, solid, and lasting. Every real improvement in the condition of mankind springs out of, or leads to, the elevating of the standard of comfort among a people. Sir, this is the grand work—the mission—of modern commerce, which, in my opinion, is just beginning to develop its mighty resources—to pour out the inexhaustible fulness of its treasures, and its blessings. A great revolution is taking place, has taken place, in human affairs. War is every day becoming a more remote contingency. I do not say an impossibility. I know human nature too well for that. I am fully aware, too, how many disturbing causes, growing out of the history of the past, still exist to prevent the realizing, all at once, of the great end of Christian civilization, the dream of Henry IV, and of Sully—the union of all nations in a state of peace under the protection of law. I know, especially, what is to be dreaded in this respect, from that dark power that hovers over the confines of Europe and Asia, and throws its vast shadows over both. But during my last residence of four years abroad, I saw sufficient grounds of quarrel, to have led, under the old order of things, to twenty wars, as spreading and bloody as the thirty years' war, or the seven years' war—and yet these threatening differences passed harmlessly away; cloud after cloud dissolved as they rose above the horizon, leaving the sky more serene than before. Sir, it is a favorite phrase of those who boast of what is called the "march of intellect," that things are thus changed because the "schoolmaster is abroad." But I tell you something far more effective than the schoolmaster, a mightier than Solomon, is abroad. It is the steam-engine, in its twofold capacity of a means of production

and a means of transport—the most powerful instrument by far of pacification and commerce, and therefore of improvement and happiness, that the world has ever seen; which, while it increases capital, and multiplies beyond imagination the products of industry, brings the most distant people into contract with one another—breaks down the barriers which exclusive legislation would oppose to the freedom of mercantile exchanges—effaces all peculiarities of national character, and promises, at no distant period, to make the whole Christian world, at least, one great family. Sir, the social effects of this great instrument of modern improvement, have been singularly promoted by a branch of industry in which the part of the country I have the honor to represent is most deeply interested; and I will avail myself of this occasion to call the attention of the committee to a view of our Southern institutions, that may not have occurred to it before, or made the impression it ought to make upon it. I beg you, sir, to believe that I do not speak in what is called a "sectional" spirit; for I protest before God that nothing can be further from my heart. But let not those whose minds have been recently so much inflamed against what they consider as the abomination of domestic servitude, shut their eyes to the truth. Sir, I allude to the cultivation of cotton, and its effects, through the commerce it fosters, upon the condition of society. Whoever shall write the political history of that invaluable plant, will have a more important work to perform than has ever fallen to the lot of a biographer of statesmen or philosophers. I will venture to say, without going more into details, that the single circumstance of bringing the wonderfully cheap fabrics produced by modern machinery within the reach of even the humblest of the laboring classes, of substituting decent and comfortable raiment for the few scanty and filthy rags—the squalid exterior, which makes poverty not only more painful, but at once more humiliating and degrading to its victim, and more disgustful to others than it ought to be, will sigually contribute to elevate the condition of the poor in the social scale, to raise their self esteem, and to increase the sympathy of others for them: in a word, to make them feel themselves men, entitled to a place among men; not pariahs and outcasts, whose contact is contamination. A people well clad and well housed will be sure to provide themselves with all the other comforts of life; and it is the diffusion of these comforts, and the growing taste for them among all classes of society in Europe—it is the desire of riches, as it is commonly called, that is gradually putting an end to the destructive and bloody game of war, and reserving all the resources hitherto wasted by it, for enterprises of industry and commerce, prosecuted with the fiery spirit which once vented itself in scenes of peril and carnage.

But, sir, the result of all this is that very inequality of wealth, that accumulation of vast masses of it in a few hands, against which we have heard so much said lately, as if it was something inconsistent with the liberties, the happiness, and the moral and intellectual improvement of mankind. Gigantic fortunes are acquired by a few years of prosperous commerce—mechanics and manufacturers rival and surpass the princes of the earth in opulence and splendor. The face of Europe is changed by this active industry, working with such mighty instruments, on so great a scale. I have travelled in parts of the continent which the spirit of gain, with its usual concomitants, industry and improvement, has invaded since the peace, at an interval of fifteen years, and been struck with the revolution that is going on.

There is a singularly beautiful, though rather barren tract of country between Liege and Spa, where, in 1819, my attention had been principally attracted by the striking features of a mountainous region, with here and there a ruin of the feudal past, and here and there a hovel of some poor hind; the very haunt of the "Wild Boar of the Ardennes," (*See Quentin Durward*) in the good old times of the House of Burgundy. I returned to it in 1835, and saw it covered with mills and factories, begrimed with the smoke and soot of steam-engines; its romantic beauty deformed, its sylvan solitudes disturbed and desecrated by the sounds of active industry, and the busy hum of men. I asked what had brought about so great a change, and found the author of it—a man having a more numerous band of retainers and dependants than any baron bold of the fourteenth century, and in every respect more important than many of the sovereign princes on the other side of the Rhine—was an English manufacturer, who had established himself there some twenty years ago, without much capital, and had effected all this by his industry and enterprise. Such, sir, is the spirit of the age; of course, in this young and wonderfully progressive country, it is more eager and ardent, and therefore occasionally extravagant, than anywhere else. But it is vain to resist it. Nay, I believe it worse than vain. It is evidently in the order of nature, and we must take it with all its good and all its evils together. The great design of Providence, in giving to the most active and enterprising of all races, a new world to possess, to build up and to adorn, are not to be thwarted by our policy, even if we thought it good policy to thwart them; all the instincts of that race would revolt at a system which would disappoint its high destiny.

Mr. Chairman, I have made these general remarks, because, as you will have perceived, they have a direct and important bearing upon the collateral issue presented by the advocates of this bill, though not in the bill itself as something to be accomplished hereafter. In a country so much governed by opinion, it is all important that opinion should be enlightened; and errors uttered by distinguished men in high stations, and surrounded with whatever talent can contribute to render them seductive and imposing, cannot, without public detriment, be suffered to pass unnoticed. On this occasion, as I have already intimated, it is far less the measure proposed, than what I consider as the *quo animo* of its advocates here and elsewhere, that has excited my alarms and my opposition. But I have objections, which I will now proceed to state, to the policy of the bill itself.

There are two very distinct questions presented to the committee. The first is, shall the revenues be collected only in gold and silver; the second, how shall they, when collected, be kept and disbursed; shall sub-treasuries be established by the Government, or shall banks be employed for that purpose as heretofore—and if the latter course be preferred, then shall the banks be allowed the use of the public deposites, or shall special deposites only be made with them. It is very evident that these propositions have no necessary connexion with each other, and that either of them may be approved or rejected, by those who do not reject or approve the other.

As to the collection of the revenue in specie, my objections are by no means so strong, or I should say so vehement now, as they were at the opening of the session, when gold and silver were selling at a premium of nine or ten per cent. At that time it appeared to me that such a measure would have been a mere wanton act of oppression upon the people of the States, for no earthly good purpose whatever. It would have been simply authorizing usurers and money brokers to lay upon the importers, and, through these, upon the consumers of foreign goods, that is to say, upon the public, and especially upon the planters of the South, a tariff of duties, in a good degree arbitrary, for their own benefit, and that of the functionaries of the Government. Believing, as I did and do, that the paper circulation of the country, from the great and sudden contraction in consequence of the panic, was rather too much reduced than redundant, I confess, as I said on a former occasion, I could

not see that justice, at least that equity and good conscience, made it imperative upon us to resort to so stern a measure; especially, as the idea of furnishing, by that means, a broader metallic basis for our circulation, had proved itself, to our very senses, to be completely fallacious. We all now see that not a dollar collected by the Government, and disbursed by its creditors, circulates for one moment as money, but is carefully hoarded, and sold as merchandise; and that it will continue to be the case, so long as, from any cause whatever, exchanges shall be unfavorable to the country, is equally evident.

I admit that, since the fall of the price of gold and silver to five per cent., this objection loses somewhat of its weight, but it loses none of its truth. The same law of currency now operates, though in a mitigated degree, to make it an objectionable measure to repeal the act of 1816, and so to discredit, *pro tanto*, all bank notes in perpetuity. Yes, sir, to organize panic and perpetuate distrust, so far as your example has any weight. And why do so? What apology have you to make for an act that certainly requires one? What public occassion, what pressing exigency requires it? The message puts the subject, I admit, in a very specious and captivating form; it supposes the case of a war, and the Government to find its treasure suddenly turned into bank credits; and we are asked whether such a thing could be borne. But admit that, in case of war, the Government would be driven to that, or any other measure of equal or even greater severity. What then? Does it follow that such a system should be unnecessarily adopted in time of peace? But the truth is, that, even in time of war, it would make less difference to the Government than is generally supposed. Certainly some of its operations, distant naval expeditions, and the like, would require gold and silver, and they must be had, at whatever price, from within or from abroad; but, after all, with such credit as that of the United States now is, it is impossible to imagine that the nation should be embarrassed, even for a single moment, by the failure of its banks to pay some millions in gold and silver. Look at England, in the eventful period between the suspension of payment in 1797 and the peace of 1815. It is now universally confessed that that measure, and that measure alone, boldly empirical as it was once thought, enabled her to sustain the burdens of that terrible conflict, and to achieve a triumph worthy of her generous constancy under misfortune. I do not, therefore, see how even the necessities of war would compel Government, abounding in such resources of public credit as no other Government ever enjoyed, to resort to a measure so novel, so harsh, so inconsistent with the established order of things in the country, and with all the habits of the people.

But the great objection with me is that which appears from a passage quoted by the gentleman from Virginia, [Mr. Garland,] to have presented itself to Mr. Dallas, in 1815. You will do some harm by refusing bank paper; considering how little specie there has ever been in this country, you may, by requiring it to be paid to you in a large amount annually, make it always an article of merchandise; you will thus permanently discredit bank notes, and render impossible the restoration of their convertibility. But that is not all; even should this mischief not ensue, you at least, by thus rejecting them, to the whole extent of your transactions, abandon the currency to its fate, under the administration of the States. You make no efforts, you exert no influence, to maintain its purity and uniformity, by distinguishing between corporations which redeem their notes and those which are notoriously insolvent. You proclaim your distrust of all of them alike; you write it in your statute-book; however disastrous the condition of the monetary concerns of the States may be, through want of skill or want of concert, you leave them to themselves, and that when standing in the most intimate and the most commanding relation towards them, you might, if you gave yourselves the least trouble about the matter, exercise a most salutary control over them, and remedy those great inconveniences for the benefit of us all. For, sir, it is not enough to say you have no power, strictly so called, under the constitution, to regulate the currency. I admit that you have none. What then? Have you no influence—influence of example—influence of precept—influence of authority—influence of patronage—influence of connexion and custom in business, in the use of these very deposites? Has not the constitution provided that all defects in our institutions shall be corrected by amendments regularly recommended and introduced, and is it not one of your duties so to recommend and introduce them?

Why do you not urge upon the States any reform you may judge necessary in the matter? I appeal to every one that hears me, what he should think of an individual, who, possessing immense influence in a community, with an income of many millions a year, should, in a time of trouble, coolly withdraw himself from society, and hoard his money, like a usurer in a commereial panic, waiting until the extreme necessities of his neighbors shall throw them upon his mercy? Is this the morality we are taught in our private relations? Shall nothing be expected from him to whom so much has been given? Shall he hide his light under a bushel? Shall he bury his ten talents in the earth, and escape condemnation as an unprofitable servant? And shall that be right in a Government, which, in a private person, shocks the moral sense of all mankind—in a Government standing towards the people of this country in relations so very peculiar? Sir, what answer would you have to give to the States, if, in a moment of public calamity, like that which is just passing away, feeling their distresses aggravated through your harsh exactions of what their people had not to give, appealing in vain to you for succor or for counsel, they were to hold to you the language which indignation and astonishment would naturally inspire under such extraordinary circumstances? If they were to say to you, "We have done every thing to exalt and to magnify you—we have clothed you with authority and awe—we have armed you with mighty powers, with the axes and fasces of supreme jurisdiction—we have surrounded you with all the glorious equipage and pomp of empire, endowed you with a vast treasury, with fleets, armies, senates, and judges—that palace, these gorgeous domes—this *capitolium fulgens*—what for? That you should renounce all community of interest, all sympathy with us? That there should be no ties of affection or of duty between us? That you should ostentatiously proclaim yourselves, as your worst enemies have sometimes alleged that your are, a foreign Government in the midst of our country, and even avail yourselves of a moment of cruel revulsion and calamity, to make us feel that you are so in spirit and in truth!" Sir, I do not know, I cannot conceive, how such a course should fail to strike every body as a perversion of all the eternal obligations of morality, which are, and ought to be, as binding upon communities as upon the individuals that compose them; how gentlemen can, at such a moment as the present, entertain, without emotion, the strange proposition that this Government should bury itself, like Sardanapalus, in a selfish repose, a degenerate and inglorious indifference to all the interests of the country; or, if I can make such a comparison without shocking them too much, that, like Nero, it should fiddle while Rome is burning.

Agreeing, then, sir, with the Executive in the principles laid down in the message, I differ with it in the practical inferences deduced from them. In the division of power between the Government and the States, I think with it, that all that is required to meet this emergency, has not been given to the former. But the inadequacy of our powers is no excuse for not exerting them to the uttermost for the public good, especially as there is reason to think that the

convention did not foresee the present state of things. We can do much, if we cannot do every thing. The occasion calls only for a good will, and a moderate share of practical ability; and I have no hesitation in saying, that among the existing banking institutions of the country, can be found ample means of accomplishing the two great objects of restoring specie payments, and maintaining hereafter, in all ordinary times, a convertible currency, which is all that we can expect to do.

Sir, I do not wish to be misunderstood. It is of the utmost importance that the paper of the banks should not only not in fact be depreciated, (as I believe is actually the case,) but should be able to stand the only sure, and, to the public at large, satisfactory, test of that fact; I mean convertibility into specie. I am fully aware that the accident of a failure in the means of making their payments in the precious metals, is one against which, according to the course of modern commerce, there can be no complete security; and that nothing can be more absurdly exaggerated, than the importance attached to that occurrence, by persons not familiar with the principles of banking, when it happens in consequence of an extraordinary demand from abroad, or a sudden panic within. Nay, more; I admit that the most usual effect of a great revulsion in trade, is, to throw much paper out of circulation; to contract the currency, and so to bring down exchanges and prices, and raise the value of the money that remains in the hands of the public. But a suspension of specie payments, though it may not be a present evil, is always fraught with danger. It is the indispensable duty of a statesman to put an end to it as soon as possible, either by encouragement or by compulsion. It is for this, among other reasons, that I so cheerfully acquiesced in the issuing of Treasury notes; inasmuch as it relieved us from the necessity either of directly refusing to take the paper of the banks at par, or, by receiving it, (as we might otherwise very safely have done,) of betraying those companies into an impolitic enlargement of their issues, before the balance of payments had been turned in our favor, as I hope it will be, by the coming crop. I regarded it as an excellent temporary expedient, for avoiding, at present, this choice of evils. So far, I think nothing more unfounded than the general charge of insolvency against all our banks, which is so inconsiderately uttered by the press, and in debate, as well as the assertion repeated over and over again, on this floor, that the country is laboring under an excessive and depreciated currency. It is not yet so; but it will, I fear, very soon be so, if the banks do not make an effort to return to specie payments in the course of a few months. Now is the time to do so: now that their issues are contracted; that importations have been checked; that exchanges are become more favorable; and that the great southern crops are about to be sent forward to make them still more so. Let every one interested in the fate of these institutions, as well as in the commercial prosperity of the country, exert whatever influence he may possess, to bring about that result; and to deliver the banks from the temptations to dangerous excess, to which the return of an active and prosperous business will inevitably expose them, if they do not, once more, lay themselves under the restraint of convertibility.

Sir, should they unhappily take a different course, and should this Government, after using all its influence and authority to establish the currency of the country on a better footing, fail of success in its most zealous endeavors, I admit that it may be driven to the necessity of taking care of its own business and creditors, by independent legislation of its own. There is no doubt that a variously depreciated currency cannot be tolerated as the settled system of the country. The ports of one State cannot be preferred to those of another, in this way, any more than by an express statute to that effect. Nor can the public creditor be justly paid in money really depreciated—I mean not in reference merely to gold and silver, which are themselves liable to great fluctuations in value, but to the general mass of commodities that compose the conveniences and necessaries of life. The effects of a redundant currency, when once they begin to be distinctly perceived, are counteracted by a general rise of prices. Money is twice as easy to be got, but you have to pay twice as much for every thing which it buys. But there is one class of persons who have no means of indemnifying themselves by raising the nominal value of their property or their claims. It is the class of those who live on fixed incomes—annuitants, fundholders, functionaries of States, pensioners. They are paid a certain sum, and with every diminution in the value it expresses, they lose just so much of what they are fairly entitled to. In this view of the subject, therefore, it is quite clear, that Government is under the highest of all moral obligations to see that their dues be not paid them in what is really worth a great deal less than it purports to be.

What I have hitherto said relates to the first question propounded by the bill on your table—shall gold and silver only be received in payment of Government dues? As to the second inquiry, sir, whether the revenue shall be kept by officers of our own, or by the banks; and if the latter, whether in the shape of special or general deposite, so much has been said, and so ably said, upon that head, against the system recommended by the message, that I am very little disposed to trouble the committee with any additional remarks in regard to it. Were I driven to make a choice between the two plans referred to, I should, as at present advised, greatly prefer that of a special deposite, on a small commission, as at once the safest, the cheapest, and most simple—as departing less from our previous customs, and not being so liable to the great practical objection of going permanently to increase the already enormous and disproportionate influence of the Executive power, which, beyond all doubt, far exceeds any thing that was anticipated by the founders of the Government, and seriously threatens to disturb, if not to subvert, the whole balance of the constitution. I need not say that I have no reference whatever to the present, or any other individual incumbent. I speak of the operations of great general causes, and of a system, whose effects are almost entirely independent of the will of man. Another very great objection to the scheme reported by the committee, is its resemblance, or, at least, its fearful leaning to that of a great political bank of the United States, of which a justly celebrated report of one of my predecessors, upon this floor,* demonstrated, some years ago, the dangers and inconveniences, as I have always supposed, to the universal conviction of the people. But although I should prefer the special deposite system to that of the Committee of Ways and Means, I am not yet prepared to adopt it. That immense benefits have been conferred upon the country, by adding to its productive capital, the large amounts of public money which would otherwise have lain dormant in the Treasury, does not admit of a question. I will venture to say that in the course of the half century that has elapsed since '89, countless millions have been the fruit of this truly paternal and beneficent system. Our predecessors, Mr. Dallas among them, seem to have been deeply impressed with

* Mr. McDuffie. Report of the Committee of Ways and Means, in 1831. Mr. Gallatin remarks of this system of sub-treasuries, presented as an alternative to a bank of the United States, in his celebrated pamphlet on that subject, that with the exception of the power of receiving private deposites, the object of which provision is not perceived, this is precisely the species of national bank which has been suggested in the President's last message, (1830.) The question whether the purchase of drafts would, as we think, be a charge on the Treasury, or prove, as seems to be expected, a source of profit, is one of secondary importance. It is sufficient to observe that the issues of the State banks could not, nor indeed is it expected that they could, be checked by this plan.—*Note by Mr. L.*

this view of the subject. They seem to have felt themselves bound to render our system of taxation, which, even in its mildest form, is, in fact, a confiscation of private property for public uses, as little burdensome as possible to the community. Sir, whatever we may think of the policy of pursuing their footsteps any further, no one can deny that they are entitled to the gratitude of the country for the past; and I, for one, am too sensible of the benefit, to throw it away without very mature consideration, unless under the pressure of a cogent necessity.

But we have been told, sir, that, far from being an innovation, this mode of collecting the public revenues was universal from the earliest times until the beginning of the last century—that is to say, until an age of philosophic light and diffusive civilization, at which another good old plan, established from time immemorial, the burning of witches and heretics, unhappily ceased too. This coincidence certainly appears to me to be entitled to some consideration; the committee will see, that in the matter of innovation, going back too far is at least as dangerous as going forward too rapidly. But there has been another reference to the examples of the past which struck me still more forcibly as a most extraordinary perversion of the lessons of experience. Sir, I do confess to you, that before any discussion had taken place in either part of this Capitol on the subject before you—long before I had heard of that allusion to the Quæstor, referred to the other day by my eloquent friend from New York, [Mr. Hoffman,] at the bare stating of this project in its first conception and most general outlines, certain images presented themselves to my mind, and have ever since haunted it, in spite of all I could do to banish them. They were ideas that, in my simple way of considering such matters, shocked and alarmed me—ideas of Roman conquest and Asiatic despotism. I thought of that most fearful of all things, a vast empire with power centralized at its capital, with commerce centralizing by the inevitable course of trade, which always and everywhere tends to centralization, at some great emporium, with its revenues collected only in gold and silver, to be hoarded, as was the way at Rome and Babylon or Persepolis. I fancied I could see one of the Proconsuls or prætors—the Bashaws of the republic, as Montesquieu so justly calls them—Verres, for example—going forth with the same Quæstor, surrounded with an army of publicans or farmers of the revenue, to gather the dues of Rome in a devoted province—another Sicily—as dues were wont to be gathered by the satraps of that military commonwealth, that is to say, wrung with their blood from subjugated nations, whose pleasant places were laid waste, without remorse, to glut the rapacity of conquest. Sir, I little imagined that such a system would have been cited, nay, alluded to, in this age, except with a view to inspire the horror and execration it is so well calculated to excite. Roman example! "The Demon city," (as it has been called by a writer of genius—Herder,) whose whole history, from beginning to end, is a tragedy far deeper and more dreadful than the tale of Œdipus or the Atridæ, and leading to a catastrophe of an awful political justice. Why, sir, there is nothing in the annals of Mongolian conquest, worse than the ravages perpetrated by her consuls—by Mummius, Paulus, Æmilius, Sylla—in some of the fairest and most civilized portions of the earth. There were flourishing countries, whose fertility and population were exhausted by a perpetual drain of corn and gladiators to feed her lazy and licentious populace, and amuse them with the unutterable atrocities of her ampitheatre. And what was the end of all this misrule? Weakness, poverty, desolation, barbarism—the Goth, the Vandal, the Hun. Yet long before the footstep of a barbarian had been impressed upon the soil of the empire, as Gibbon has well remarked; long before that scourge of God, under whose horses' hoof the grass was said never to grow again, had been sent to avenge the wrongs of mankind, in the course of half a century after Constantine had founded a new Rome, whole tracts of fertile country had been completely depopulated and abandoned. Even of that paradise of all this earth, on which poetry and panegyric have been exhausted in every age, in all languages, the *Campania felix*, a very considerable portion was become a waste. Nor, sir, was this owing to the despotism of the Cæsars, as an excellent writer has well observed, (Jacobs,) in reference to this passage of the "Decline and Fall," and as this committee will do well to remark. There co-operated with that misgovernment, a curse which has been said, and is thus proved, to be worse than "the inclemency of the seasons and the barrenness of the earth," (Ad. Smith,) a decreasing currency. The supply of the precious metals had been for upwards of two centuries continually diminishing, while the quantity of them sent in quest of luxuries to the East, to return no more, had been increasing in the same proportion, and a revenue of £15,000,000 or £20,000,000 was constantly levied in gold and silver, to be expended at a distant capital, or on the frontiers. This important fact speaks volumes to us on this subject. It is unquestionably true that one of the greatest calamities of the declining empire, was a circulation diminishing so frightfully that the pay of a general in the the third century was nominally not higher than that of a private had been in the reign of Augustus, (Herder.) So much for the Roman sub-Treasury system, and the example of the Quæstor!

But, sir, another objection to the present system is, that it leads to fluctuations in the currency; and that brings me to consider the general effects of the credit system upon the prosperity of the country.

I begin by admitting that there is something in this objection, but by no means as much as is thought by persons who have not very attentively considered the subject. Undoubtedly if your revenue, instead of being uniform, or at least varying very little from year to year, be permitted to fluctuate extremely—if a great surplus like that of which you disposed last year is to be allowed ever and anon to accumulate, and then to be withdrawn from one depository and scattered among many others; to be again suddenly withdrawn from them, and ultimately distributed without reference to the wants of commerce and the course of business, but on merely arbitrary principles, among the States; if such financial blunders are to be repeated often in our future policy, we should do well to confine the effects of them within as narrow limits as possible, and even a system of hoarding might, in such a case, perhaps, do less harm than all this vexatious irregularity and uncertainty. But, in the first place, whose fault was that? Whose legislation occasioned that preposterous accumulation? Whose unequal and oppressive tariffs extorted from commerce the vast sums which were afterwards to be lavished upon it with such intoxicating effects? Yours, sir; this House, this Congress is responsible for whatever mischiefs grew out of that strange anomaly. Let the blame light upon the heads of the guilty. I trust in God we are not destined soon to see another such surplus—and if we should, most certainly I should expect proper precautions to be adopted to prevent its operating again so powerfully to derange the business of the country. But what sort of argument is it against the comparatively moderate deposites made in the ordinary course of things by the Government, to recompense the banks for their services as fiscal agents, and make taxation less oppressive, that an enormous accumulation like that referred to, so capriciously disposed of, so violently transferred from one place of deposite to another, produced much evil? And here, sir, I beg to ask gentlemen, whether it has ever occurred to them to imagine what would have been the effect—what would always be the effect—of such an accumulation, if it had been in gold and silver?

What if our revenues should ever again amount to what they were in 1815? Will any man undertake to say that the abstraction from the circulation of the commercial world of so large a sum as forty or fifty millions of specie, would not, at any time, occasion a serious derangement of business and fall of prices abroad, attended with all the usual evils of such an event? I shall advert, hereafter, more particularly, to the important subject of the supply of the precious metals for the purposes of commerce; but I here call the attention of the committee to a view of it that is entitled to their profound consideration. If I do not greatly err, in all the conclusions to which I have been brought by my researches in this matter, no calculation can be made of the effect which the adoption—I will not say of the "hard-money system," but of any sytem whatever, calling for a much greater demand of the precious metals—might have upon the state of trade.

Sir, I have said that the importance of these fluctuations in the paper currency of a country, have been very much overrated. Some people seem to think an expansion in the circulating medium must always be attended with a sudden rise in prices, and a spirit of extravagant speculation. But it is not so. Mr. Tooke has shown that these two things have in fact very seldom coincided—that speculation depends, in the first instance, upon moral causes wholly unconnected with the state of the currency; and, although an abundance of money may, and does aggravate the evil where it exists, yet, by itself, it never leads to any excitement. Take any example of a commercial crisis you please, and you will find that there were extraordinary circumstances which acted on the imaginations of men—florid pictures of general prosperity, bright visions of possible success in new channels of trade, and adventures as yet untried. There is a remarkable proof of this in the terrible convulsion in England in 1825, the most serious perhaps that she has ever passed through. In 1822 there was a most depressed state of prices below the cost of production. The lowering of the interest on an immense amount of Government stock in 1823 and '24, engendered an impatient desire of more profitable investments. Then came the acknowledgment of the independence of the South American States, with hopes of advantageous loans to the new Governments, of great mining speculations, and of a vast extension of all branches of trade, upon which that great political event, it was supposed, could not fail to produce sudden and incalculable effects. The spirit of adventure thus awakened, soon spread itself abroad over every department of commerce; and a moral epidemic, as it has been well termed, broke out, such as no policy of Government, of free Government at least, could possibly control. But the same excitement would have occurred had the circulation of England been metallic; and, sir, a proof of it is to be found in the fact that, owing to a long series of good harvests, and to the preparations which the Bank of England had been making to substitute gold for the small notes which still circulated in 1824, her treasure was unusually large, (something like £13,000,000 instead of £10,000,000, its regular maximum,) and so far as her issues had any thing to do with exciting the spirit of circulation, it was not a deficiency, but an excess of bullion that occasioned the mischief—just as was the case in this country during the last two years. I say, sir, this spirit of speculation is incident to the adventurous operations of commerce, and it makes no difference whether those operations be carried on in specie or in paper. The gentleman from Pennsylvania who sits near me, [Mr. Sergeant,] anticipated me in citing the example of the famous bubble year in England, (1721,) when, as he justly remarked, the circulation of that country might be considered as almost exclusively metallic, for the issues of the bank were what they had been for some years before, only about £2,000,000, and not more than half what they were in a few years after, in a state of perfect calm. But I will add another instance, a most memorable and instructive one, from our own history. If this country has ever been blessed with a purely metallic currency, it was shortly after the peace of '83, and from that epoch until the establishment of the first Bank of the United States; and, sir, if a man were called to point out that era in its history in which its pecuniary condition was most deplorable, he would, without hesitation, name that. There was a want of money, even to transact the ordinary business of life; a good portion of the little trade left us was carried on by barter;* industry was languishing for want of the means of exchanging its products; nobody had any credit; all was embarrassment, despondency, and gloom. In the midst of all this distress, there was a cry, not for hard money, as in the present crisis—they had enough of that, in one sense, at least—but for the good old-fashioned paper money issued by the States, and the discontents of some of the boldest and most active spirits of New England broke out into open revolt against society, and seriously threatened its overthrow. Sir, never since we have been a people, have we passed through a period so full of perils of all sorts! Never was the morality of the nation put to so severe a trial; or its peace and its institutions, and its destinies brought so near to the very edge of the precipice. And what was the immediate cause of all this intense pecuniary distress? Speculation, sir, far wilder, in proportion, than any that has since occurred. We had imported in the two first years after the peace, a large amount, $30,000,000, against exports of some eight or nine millions. Look into Pitkin's Statistics. And yet with a fact from our own history, so important, so authentic, so full of instruction on all the points involved in this discussion, you hear able and leading men speak of the spirit of speculation, as something inseparably connected with paper money alone. No, sir, it results from what is called the "course of trade," in its perpetual round of quiescence—improvement—increasing confidence—prosperity—excitement—overtrading—convulsion—stagnation—pressure—distress—ending in quiescence again.† Nor is it by bank issues, even where banks most abound, that it is supplied with the means of compassing its object. In 1825, it is said that mercantile paper to the amount of near $600,000,000 was negotiated in London. Mr. Rothschild mentions that his house received, in the course of two months, bills to the amount of a million and a half,‡ while the circulation of the Bank of England, and the country banks together, did not exceed thirty millions. It is commercial credit and private loans, that at such periods encourage and sustain those great and perilous operations—not banks, not bank notes, not redundant currency, strictly so called.

But, if banks do not occasion such excitements, they, on the other hand, greatly mitigate the effects of the revulsion that follows. We had no banks in this country in '86 to help the people in their distress, as the Bank of England aided and saved the commercial community of England in 1825.

But let us look a little more closely into the causes of the late excitement in the moneyed and commercial interests of this country. In my opinion, they have been too partially considered, and we have added to our other misfortunes mutual reproaches, which are certainly (I speak it with the profoundest deference for the very able persons with whom I differ) not all of them well founded. The merchants, as a body, have been censured for imprudent and profligate speculation. They, in turn, accuse the Government of a wanton and even wicked tampering with the great interests of commerce, which Governments seldom

* Washington's writings, vol. IX. Hamilton's report on the Bank in 1790.

† Mr. S. Jones Lloyd. ‡ "Minutes of Evidence," &c. in 1832.

touch without doing some mischief. Sir, I do not think this a fit occasion for angry recrimination, and having been absent during the conflict to which I allude, I desire to mingle as little as possible in the passions of the past. I must say, however, that I incline to believe more importance has been attached to the specie circular, in a mere economical point of view, (I say nothing of its political character,) than it deserves. I do not mean to affirm that it had not its share in adding to the embarrassments of the money market after the revulsion had began. But the tide had turned before. That paper was issued here on the 11th of July, 1836. Now, as early as the 1st of July, the Bank of England had felt itself constrained to adopt a course which led to an instant fall of prices, and this fall of prices was in a short time as much as 20 or 30 per cent. Mr. Horsley Palmer, in the pamphlet already alluded to, admits the fact, and justifies the proceeding. *Habes confitentem reum.** Now, sir, be pleased to consider what frightful havoc a loss of 20 or 30 per cent. on 1,500,000 bales of cotton alone would occasion in the commercial world, especially when such a terrible deficit happens to be accompanied by a contraction of bank issues, and great scarcity in the money market, at a period of prodigious excitement in every branch of trade, (for it is then only that contractions are dangerous,) and of speculative investments in every sort of enterprise. The Bank of England, through its deputy governor, alleges, in justification of its course, that its treasure, which was just beginning to recover from the drain occasioned by speculations in Spanish and Portuguese funds, during the year 1834—another phrensy of the times, that led to a catastrophe which I witnessed in the spring of 1835, and in hard-money countries, too—was again reduced by drafts made upon it, for various purposes, in America, to the amount of £2,600,000. Of this amount, £1,200,000 was borrowed for the Bank of the United States; the rest came over to be laid out, no doubt, in canal and railway or bank stock; or, to supply, as Mr. Palmer supposes, the vacuum in our circulation occasioned by the prohibition, in some of the States, of small notes, or the new demand for gold consequent upon the change introduced by the gold bill, in the session of 1835. Sir, as the guardian of the currency of England, the bank was, no doubt, on strict principle, justified in persuing that cautious policy, in imposing a salutary check upon speculation; but I have very great doubts whether it did not go too far; and whether its sudden and rather violent interference with the natural course of things, has not been attended, in England as well as in this country, with evil consequences that might have been avoided, or at least very much mitigated, had exchanges been left to correct themselves, as they have a natural tendency to do. It is a circumstance worthy of the particular attention of the committee—and I advert to it to show that nothing can be more unjust than the charge of profligate speculation made against the great body of our merchants, (however individuals may deserve censure,)—that, from 1831 until late in the autumn of 1836, exchange with Europe never fell below, and was often much above par, although the apparent balance of trade was, during that period, steadily and greatly against us. Sir, this singular phenomenon is now satisfactorily explained. We know that it was owing to immense investments of British capital (much of it, no doubt, sent over in the shape of goods,) in the United States, quite independent of the ordinary commercial balance. For example, a run was made upon the Bank of England, in May, 1832, during the agitation that accompanied the passing of the Reform Bill, to the amount of £2,000,000, which never returned to the bank, and was supposed to have been hoarded, but which I believe came hither. This circumstance was, at the time, attributed to a political trick, to prejudice the minds of the people against the great measure then before Parliament. I have reason, however, to know, that the panic was by no means feigned; that apprehensions of revolution were seriously entertained by many of the higher classes in England; and, as the payment of our national debt, and our immense prosperity, had called the attention of European capitalists to this country, large amounts were sent hither, not only in quest of higher interest, but as a safer investment than could be made at home; for in the present state of the world, capital will go abroad, in spite of all the contrivances of Government, recommended, I regret to say, by Mr. Palmer, to prevent it seeking more profitable employment there. We know all this now, and we see what this vast influx of British gold and British credit had to do with prices and speculation here; but who saw it then? How was the merchant to know what was at hand? That the ground upon which he stood, or thought he was standing, covered an abyss that was so soon to open and swallow him up; that the scene of most flattering prosperity which had for five years excited and entranced his senses, was to vanish like a dream, at the touch of a foreign Power?

A great many circumstances conspired to keep up the delusion, and even some which one might have thought would produce the very opposite effect. Thus the removal of the deposites, and the panic and contraction in 1834, consequent upon that measure, led to further importations of the precious metals, and accordingly it appears that there was an accession of nearly twelve millions of specie in that single year. A metallic basis was thus formed for the inordinate number of banks chartered by the State Legislatures, to supply the place of the United States Bank; and still greater aliment was added to the spirit of speculation, already excited by the high prices of produce in England, and the unprecedented demands for the public lands in the West, by emigration from abroad. The idea that an excessive circulation was the sole cause of all the mischief—an idea encouraged both by the friends of a national bank and by the enemies of all banks—appears to me entirely fallacious. It is in vain to state, as is so continually done in such discussions, the amount of currency at one period, and to compare it with that amount at another, without any reference to the amount or the prices of the commodities it has to circulate. No sound inference can be drawn from the naked fact of such a difference. For instance, had the price of produce not fallen in the English market—had the cotton crop been worth 80 or $90,000,000, instead of being fallen to half the former sum, it is manifest that it would have required, *ceteris paribus*, twice the amount of circulation to effect the usual exchanges in it. Not only so: but, in periods of great excitement, it is not merely the products of our industry that we sell; it is not simply the annual income of the land and labor of the country that is exchanged, but the very soil itself; the whole country, with all that it contains, is in the market. This, to the extent to which it is carried, is a peculiarity of our people. Sir, I do not mention this as a very prepossessing or honorable trait in our character; I mention it simply as a fact. We have no local attachments, generally speaking; nothing bears the *pretium affectionis* in our eyes. If an estate, a residence in town, a country seat, rises a little beyond what we are accustomed to think its value, it is sold without any hesitation. Accordingly, there is in such times a capacity for absorbing an expanded currency in this country, greater perhaps, in proportion, than was ever known in any other country. I am of opinion, therefore, that prices in the United States were, in general, not relatively much higher than elsewhere, during

* The Causes and Consequences of the Pressure upon the Money Market, with a statement of the action of the Bank of England, from the 1st of October, 1833, to the 27th of December, 1836, by J. Horsley Palmer, Esq. London, 1837.

"The fall in prices of almost all the leading articles of raw produce, (sugar, coffee tea, silk, cotton, &c.) from the 1st of July last, when the rate of interest was first advanced, has not been less than from 20 to 30 per cent."—p. 23.

the last two years, except in cases where, on the usual relation of demand and supply, it was easy to account for their being so. By far the greatest amount of speculation, too, no doubt was carried on in private paper. But of course, as soon as a fall took place in that great leading staple commodity in which we pay our foreign debts, and of which the value affects that of almost every thing else in the country, and that, too, to so fearful an amount as 30 or $40,000,000, the currency became (before the late contraction) at once redundant. It was precisely as if property to the value of 3 or $400,000,000 had been swallowed up in the sea, for it destroyed the income of property to that amount.

From this view of the causes that led to the present distress, I do not see what inference can be drawn from it unfavorable to the connexion that has always subsisted between the Government and banks. It is one of those extraordinary revulsions to which the adventurous spirit of commerce will always be exposed, organize your currency as you will, and take what pains you please to diminish the sources of excitement. In this country especially, holding out so many temptations to foreign capital, so many hopes to enterprise, such dazzling prizes to fortunate speculation, with a people distinguished above all others by their intelligence, sagacity, activity, and boldness in affairs, such periods of crisis and convulsion are inevitable, and no mischiefs which they can possibly do would be half so bad as the only preventive that would insure us against their occurrence—the entire extinction of the spirit that leads to them.

Sir, to the general declamation against banking, we have to oppose the experience of the most prosperous nations in the world. There is a country, for instance, whose whole currency is of paper, where one seldom meets with a piece of gold, and whose banking companies, whether with or without charter, subjected to no restraints or control but such as spring out of the vigilance of a free and eager competition, have, for upwards of a century together, conducted their affairs with so much skill, integrity, and prudence, as not only never to have occasioned any loss either to the public or the parties interested, but, on the contrary, by the confession of all competent judges, to have conferred the greatest blessings upon both; to have contributed more than any single cause, perhaps than all other causes put together, to bring out and develop completely all the resources of the land, to foster industry, to animate enterprise, and, by an abundant supply of the means of exchange, to turn its capital and labor to the greatest possible account; where, in addition to these economical advantages, they have contrived to exercise a high moral control, a sort of censorial authority, over the community, and especially the humbler classes of it, by bestowing rewards in the shape of credit upon industry and economy, and lending upon good personal character, as if it were solid capital, and, through a system of cash accounts and interest upon small deposites, have given to the deserving laborer the combined advantages of a savings bank and a friendly endorser; a country which has made greater progress, within the period mentioned, than any other in Europe; with an agriculture second (if second) only to that of Flanders; with a flourishing commerce; with manufactures of the greatest extent, and the most exquisite refinement; whose cities have almost kept pace with ours, whose whole face, in its gladness and beauty, bears testimony to the spirit of improvement that has animated her: what country is that? Scotland, sir. Every body has heard, or ought to have heard, of the Scotch system of banking; and I ask if any thing can be more irreconcilable with the theories so confidently advanced here, than facts connected with its history? I know, sir, what may be said in reply to this otherwise triumphant example. I am aware that the Scotch banks have, in times of pressure, been compelled to lean upon the Bank of England; that objections have been made by high authorities to the principles on which they have been conducted, and that other persons, admitting their unquestionable usefulness and success, have ascribed it to circumstances which render the system an unfit model for imitation elsewhere. Be it so. But still it is banking; banking on the English plan, with a very inadequate supply, scarcely any supply of bullion; banking, without limitation or control, without any reference or responsibility to Government; banking, in a word, with all the defects imputed to that system in their most exaggerated forms.

But if this example be not satisfactory, let us look at the experience of the two other countries in which the system exists, and exists, as we are told, in its most vicious state—England and the United States. Look at the results. I have no faith at all in speculative politics. A theorist in Government is as dangerous as a theorist in medicine or in agriculture, and for precisely the same reason—the subjects are too complicated and too obscure for simple and decisive experiments. I go for undisputed results in the long run. Now, surely a philosophical inquirer into the history of the commerce and public economy of nations, if he saw a people pre-eminently distinguished in those particulars above all others, would be inclined to ascribe their superiority to what was peculiar in their institutions; at least whatever might be his ideas *a priori* on such subjects, he would be very slow to deny to any remarkable peculiarity in those institutions its full importance as one of the probable causes of the success which he witnessed, unless he could clearly show the contrary. Then, sir, by what example are we to be guided in such matters, if not by that of England—by far the most magnificent manifestation that the world in any age of it has ever beheld, of the might and the grandeur of civilized life? Sir, I have weighed every syllable that I utter; I express a deliberate conviction, founded upon a patient inquiry and a comparison, as complete as my limited knowledge has enabled me to make it, between the past and present condition of mankind, and between the great nation of which I am speaking, and those which surround her. Sir, there is a gulf between them—that narrow channel separates worlds—it is an ocean more than three thousand miles wide. I appeal to any one who has been abroad, whether going from England to any part of the continent be not descending immensely in the scale of civilization? I know, sir, that that word is an ambiguous one. I know that in some of the graces of polished society, in some of the arts of an elegant imagination, that in the exact sciences, and in mere learning and general intellectual cultivation, some nations have excelled, perhaps, many equalled England. But in that civilization which, as I have said before, it is the great end of modern political economy to promote, and which is immediately connected with the subject before you—which at once springs out of and leads to the accumulation of capital, and the distribution of wealth and comfort through all classes of a community, with an immense aggregate of national power and resources—that civilization which enables man to "wield these elements, and arms him with the force of all their regions," which gives him dominion over all other creatures, and makes him emphatically the lord of the universe—that civilization which consists not in music, not in playing on the flute, as the Athenian hero said, but in turning a small city into a great one—in that victorious, triumphant, irresistible civilization, there is nothing recorded in the annals of mankind that does not sink into the shades of the deepest eclipse by the side of England. I say nothing of her recent achievements on the land and the sea—of her fleets, her armies, her subsidized allies. Look at the Thames crowded with shipping—visit her arsenals, her docks, her canals, her railways, her factories, her mines, her warehouses, her roads, and bridges—go

through the streets of that wonderful metropolis, the bank, the emporium, and the exchange of the whole world—converse with those merchants who conduct and control, as far as it is possible to control, the commerce of all nations, with those manufacturers who fill every market with their unrivalled products—go into that bank which is the repository of the precious metals for all Europe—consider its notes, as well as the bills of private bankers, at a premium everywhere, more valuable than specie, symbols not merely of gold, but of what is far more precious than gold, yea, than fine gold, of perfect good faith, of unblemished integrity, of sagacious enterprise, of steadfast, persevering industry, of boundless wealth, of business co-extensive with the earth, and of all these things possessed, exercised, enjoyed, protected under a system of liberty chastened by the law which maintains it, and of law softened and mitigated by the spirit of liberty which it breathes throughout. Sir, I know, as well as any one, what compensations there are for all this opulence and power, for it is the condition of our being that we "buy our blessings at a price." I know that there are disturbing causes which have hitherto marred, in some degree, the effect of this high and mighty civilization; but the hand of reform has been already applied to them, and every thing promises the most auspicious results. I have it on the most unquestionable authority, because, from an unwilling witness, that within the memory of man, never were the laboring classes of England so universally employed, and so comfortably situated, as at the beginning of the present year.*

But I said that there was another nation that had some experience in banking and its effects. Sir, I dare not trust myself to speak of my country with the rapture which I habitually feel when I contemplate her marvellous history. But this I will say, that on my return to it, after an absence of only four years, I was filled with wonder at all I saw and all I heard. What upon earth is to be compared with it? I found New York grown up to almost double its former size, with the air of a great capital, instead of a mere flourishing commercial town, as I had known it. I listened to accounts of voyages of a thousand miles in magnificent steamboats on the waters of those great lakes which, but the other day, I left sleeping in the primeval silence of nature, in the recesses of a vast wilderness; and I felt that there is a grandeur and a majesty in this irresistible onward march of a race created, as I believe, and elected to possess and people a continent, which belong to few other objects, either of the moral or material world. We may become so much accustomed to such things that they shall make as little impression upon our minds as the glories of the heavens above us; but looking on them lately as with the eye of the stranger, I felt what a recent English traveller is said to have remarked, that, far from being without poetry, as some have vainly alleged, our whole country is one great poem. Sir, it is so; and if there be a man that can think of what is doing in all parts of this most blessed of all lands, to embellish and advance it; who can contemplate that living mass of intelligence, activity, and improvement, as it rolls on in its sure and steady progress to the uttermost extremities of the West; who can see scenes of savage desolation transformed, almost with the suddenness of enchantment, into those of fruitfulness and beauty, crowned with flourishing cities, filled with the noblest of all populations; if there be a man, I say, that can witness all this passing under his very eyes, without feeling his heart beat high, and his imagination warmed and transported by it, be sure, sir, that the raptures of song exist not for him; he would listen in vain to Tasso or Camoens, telling a tale of the wars of knights and crusaders, or of the discovery and conquest of another hemisphere.

Sir, thinking as I do of these things—not doubting, for a moment, the infinite superiority of our race in every thing that relates to a refined and well ordered public economy, and in all the means and instruments of a high social improvement, it strikes me as of all paradoxes the most singular, to hear foreign examples seriously proposed for our imitation in the very matters wherein that superiority has ever appeared to me to be most unquestionable. The reflection has occurred to me a thousand times, in travelling over the continent of Europe, as I passed through filthy, ill-paved villages, through towns in which there is no appearance of an improvement having been made since the Reformation, as I have looked at the wretched hovel of the poor peasant or artisan, or seen him at his labor with his clumsy implements and coarse gear—what a change would take place in the whole aspect of the country, if it were to fall into the hands of Americans for a single generation!

But is it paper money and the credit system alone that have achieved all these wonders? I do not say so, sir; but can you say, can any one presume to say, that they have not done much of all this? I know that the cardinal spring and source of our success is freedom—freedom with the peculiar character that belongs to it in our race—freedom of thought, freedom of speech, freedom of action, freedom of commerce, freedom, not merely from the oppressions, but from those undue restraints, and that impertinent interference of Government in the interests properly belonging to individuals, which stand in the way of all improvement in the nations of continental Europe. It is this vital principle, the animating element of social equality, tempered and sobered by a profound respect for the authority of the laws, and for the rights of others, and acting upon that other prominent characteristic of the Anglo-Norman race, the strong instinct of *property*, with the personal independence and personal *comfort* that belongs to it, that explains our unrivalled and astonishing progress. But of this rational, diffusive liberty among a people so intelligent as ours, the credit system is the natural fruit, the inseparable companion, the necessary means and instrument. It is a part and parcel of our existence. Who ever heard of *credit* in a despotism or anarchy? It implies *confidence*—confidence in yourself, confidence in your neighbor, confidence in your Government, confidence in the administration of the laws, confidence in the sagacity, the integrity, the discretion of those with whom you have to deal; confidence, in a word, in your destiny and your fortune, in the destinies and the fortune of the country to which you belong; as, for instance, in the case of a great national debt. It is the fruit, I say, of all that is most precious in civilized life, and to quarrel with it is to be ungrateful to God for some of the greatest blessings he has vouchsafed to man. Compare Asia with Europe; hoarding has been the usage of the former from time immemorial, because it is slavish, oppressed, and barborous; and it is curious to see the effect of English laws in breaking up (as they are doing) that system in Hindostan. Depend upon it, sir, all such ideas are utterly alien to our way of thinking—to all the habitudes of our people, and all the interests of the country. My friends from beyond the mountains are familiar with the great principle, the magical effect of credit in a young and progressive country. They know what miracles are wrought by a small advance of money to enable enterprise and industry to bring into cultivation a virgin soil. They know how soon the treasures of its unworn fertility enable them to pay off a loan of that sort with usurious interest, and make them proprietors of estates rising in value with the lapse of every moment. Compare the great Western country now with what it was twenty years ago—sell it *sub hasta*—and compute, if the powers of arithmetic will enable you to do so, the augmentation of its riches. Sir, this is one of the phenomena of our situation to which attention has hardly ever been called—the manner in which the mere increase of pop-

* Westminister Review for January, 1837. Some ascribe the fact to an ample circulation.

ulation acts upon the value of property. To be struck with the prodigious results produced in this simple way, you have only to compare the estimated taxable property in Pennsylvania and New York, when it was returned for direct taxation in 1799, with the returns of the same property for the same purpose in 1813, after an interval of only fourteen years*—you will see how it is that our people have been enriched by debt, and, "by owing, owe not"—how, with a balance of payments almost continually against them from the first settlement of the country, they have grown in riches beyond all precedent or parallel. You will appreciate all the blessings of the credit system, and imagine, perhaps, how this wonderful progress could have been impeded and embarrassed by the difficulties of a metallic circulation. †

But the *fluctuations* of the currency—the ruinous irregularities of bank paper! Why, sir, I have already shown they belong to commerce itself; not to the means which it employs, and that there is no remedy for them. But, after all, what is the sum of the evil? Look again at general results. Tell me not that reactions produce fewer disasters, or less extensive derangements of money and circulation, in countries whose business is principally metallic. It may be so; but what does that prove? If you never soar, you will be in no danger of falling, certainly; but then,

Serpit humi tutus nimium timidus que procellæ.

A go-cart may be a very safe contrivance for the tottering footsteps of infancy; but is it thus that manly vigor is to be trained for the dust and heat of the Olympic race? Sir, it is the condition of all that is grand and awakening in nature, to be somewhat wild and irregular. In the moral world, especially, peril and difficulty are the price which Providence exacts of us for all great excellence and all eminent success. It is in struggling with them that the heroic virtues which elevate and purify humanity are called forth and disciplined; and it is precisely because our people have been trained in that stern school that they have effected more, and are now able to effect more, with equal means, than any other in the world. Sir, it is not our currency only that is obnoxious to the imputation of irregularity. What is democracy; popular government itself? How often has it fallen to my lot to defend it by the very considerations which I now urge on a kindred topic, when foreigners have spoken to me of the disorders that have occasionally checkered our history. When they exaggerated the importance of such events, I have reminded them that all human institutions must have their imperfections; and that it is by their general effects in a long course of experience, not by occasional accidents, however striking and important, that they are to be judged. That the absence of restraint which leads to occasional licentiousness, fosters that bold, robust, energetic, and adventurous spirit, and that habit of haughty self-reliance and independent judgment, which are the very soul of republican government; which have rendered that form of Government, wherever it has existed, so illustrious for heroic achievements, and has made every era of liberty in the history of mankind, even in its most imperfect form, an era of flourishing prosperity and progress. Sir, such a people, as has been said of beings of a higher order, "live throughout, vital in every part;"

"All head they live, all heart, all eye, all ear,
All intellect, all sense."

This is the great secret of our superiority, and of that of every free people; not the forms of a constitution, not the outlines of a system, not mere organization, but the principle of *life*, the all-pervading animation and vitality that informs the whole body politic, and gives it the warmth, and strength, and activity, the winning graces and expressive countenance of a man, instead of the cold and repulsive stillness of a painted corpse. Jury trial is another of these irregularities—liable, undoubtedly, to much criticism in detail, and scarcely susceptible, as a juridical institution, of a strict defence in theory—yet what should we think of a reformer that should propose to us the abolition of a system so full of practical good, because it was unknown until recently any where but in England, and often leads, as it certainly has often led, to great abuse and injustice?

But, then, it seems, our banking system is an innovation, introduced only a century and a half ago, and deviates from the primitive model of the Bank of Amsterdam—the *honest* system, as it is called—and that, instead of lending money, it lends merely credit.

As to the idea of its being an innovation, I would just remark, that it had its origin at that great epoch of human improvement, as I must still be allowed to call it, when mankind ceased to cut each other's throats for differences in religion, and began to make war for colonies and commerce—an era perfectly familiar, as such, to every one that has studied history philosophically. But there is something more in the historical reminiscence than the mere fact just referred to. If the comparative effects of Dutch and English banking are to be judged by the event, what an instructive lesson is to be drawn from a parallel between those two Powers, at the close of the 17th century, and their relation towards each other now! Where is Van Tromp? Where is de Ruyter? What is become of the mighty fleets which disputed the dominion of the seas with England and France? Poor Holland! her defenceless ports, blockaded by British squadrons—her court browbeaten by British diplomacy—shorn of all her strength and glory, she seems almost sinking again into the waters out of which she merged. So much for the innovation. But what is the objection to the system? Let us understand each other. I will put a case. The quantity of the precious metals required in any transaction, or any number of transactions, between two countries, (or two individuals, for it comes to the same thing,) depends not only upon the balance of payments between them, but also in the confidence they have in each other. Thus, Hamburg imports corn for England, in a season of dearth, from Prussia. If trade be prosperous and the world at peace, she will probably pay for this corn by a bill at six months, with interest, and when the time comes for meeting her engagement, she will do so by sending to Dantzic a cargo of colonial produce.—(*Thornton.*) But should the times be such (from war, commotions, &c.) as to make commerce uncertain, or to impair credit, the purchase can be made only for cash, and paid for in gold and silver. Now, sir, commerce being a mere exchange of commodities, every body must see, at a glance, that it is very much more promoted by a state of peace and order, than by one of war and commotion; by a state of confidence, than by one of distrust; by a state of things that admits of payments in bills, than by one that requires payments in cash. In a simple operation, like the one described, this is quite manifest, and yet the whole theory of money and of banking, is contained in that simple operation.

Sir, it explains at once why it is that in countries very far advanced in commerce and civilization, the precious metals, for all purposes of currency, are superseded by commercial paper, as is particularly the case in England, whose paper circulation of all sorts, is something like two hundred millions, resting upon a basis of only thirty millions of specie.* Money is nothing more than what is called by the brokers "a bought and sold note;" it is a token, which shows that its holder has parted with commodities to that amount, and that he is entitled to receive their equivalent in other commodities, whenever it shall be his pleasure to do so. Why should that token be of gold? Why should a mere title or evidence of debt, be itself of a material as

* Pitkin's Statistics, 1835. † Mr. Gallatin's pamphlet, p. 68.

* Mr. Burgess, in the Minutes of Evidence, &c. before the committee of the House of Commons, in 1812.

costly as the thing of which it is the symbol and the evidence?

It is clear that were there any means of insuring society against excessive issues of paper, besides its convertibility into gold and silver—were not that the only practical test hitherto discovered, by which prices in different countries can be compared—all commercial nations would dispense with the precious metals as a medium of exchange. But, as yet, there are no such means, and the currency, theoretically the most perfect, is for the present impracticable. The nearest approximation to it has certainly been made occasionally in the United States, where the specie basis has just answered the purpose of ascertaining that our currency was on a level with that of other nations.

But there is another step in the commercial operation just mentioned. The holder of the bill of exchange, received in payment of coin, stands in need of some other commodity, which his own credit does not enable him to procure. He applies to a broker, or any other capitalist, for the cash, or, what will answer just as well, his credit, in the shape of a note payable on demand, or at a short date, for which the original bill, at six months, is given in exchange, with a reasonable discount. This last operation is what is considered as the great abomination of banking. The bank receives a discount on giving its own bill, payable on demand, or one at a short date, (for which, therefore, it is compelled to reserve or prepare a fund,) for a bill payable at six months, of which, of course, payment cannot be demanded until the expiration of that term. And now I ask, where is the difference between the first operation, which every body must perceive is eminently conducive to the extension of commerce, and the last? What objection can be made to it that does not lie equally against the drawing and discounting of bills of exchange, an improvement of which Europe has been boasting for at least six hundred years, and of which the advantages have never, to my knowledge, been questioned before? Why is not a credit founded on property as good in the one case as in the other? And why should gold and silver be used in either, when they are not wanted?

The banking system, sir, is only one form of that division of labor which takes place in all opulent countries. It leads to a great economy both of time and money; of the former, because the business of a whole community, in receiving and paying away, can be transacted by the clerks of a single institution as well as by one hundred, or one thousand times the number, in the separate employment of individual merchants; of the latter, because, instead of each individual in a community reserving the quantity of gold and silver necessary to meet our current demands, a much smaller proportional amount, kept by a banking-house, has been found to answer the wants of the whole society. But the utility of that system is not confined to the advantages just mentioned. It appears to me very clear, in the first place, that the credit system, carried to the extent in which it exists in England and the United States, could not possibly be made to rest upon any thing so liable to be disturbed by a foreign demand, and by other contingencies, as the metallic basis, and of which a given quantity cannot, therefore, be counted on at any given time. What is commonly called the currency of a country, that is to say, bank paper and the precious metals, really constitute a very small portion of it; but it may be considered as the test or touchstone of all the rest; and if engagements in bills of exchange, &c., be not met according to their tenor, in what is considered as cash, it is difficult to calculate the effects of the alarm that may ensue. But there is another point of view in which banks appear to me quite essential to our commercial system. It is that, according to the remark of an excellent writer,* the appreciation of the credit of a number of persons engaged in commerce, has become a science, and to the height to which that science is now carried in Great Britain, (and in this country,) that country is, in no small degree, indebted for the flourishing state of its internal commerce, for the general reputation of its merchants abroad, and for the preference which, in this respect, they enjoy over the traders of all other nations.

Sir, I have been driven to this elementary way of considering the subject, by the course which the argument has taken here and elsewhere, and because, in solemnly reviewing, as we are now compelled to do, the whole monetary system of the country, it is of the very last importance that the subject, in all its aspects, should be fairly presented to the people. I shall, therefore, proceed briefly to consider the question, how far it is practicable or desirable to substitute a metallic currency for bank paper, or even very materially to widen the metallic basis of our present circulation.

I presume it will hardly be disputed that, by a general return to the precious metals, as the only medium of exchange for the whole commercial world, the operations of trade would be everywhere embarrassed and impeded, and the value of money enhanced; or, which is the same thing, the prices of commodities reduced in an incalculable degree. How far a similar effect has already been produced, by the diminution of the supply from the Mexican and South American mines, within the last twenty years, is one of the most difficult and controverted questions of the day. This is not a fit occasion for stating the arguments advanced by the advocates of different views of that subject, but I will mention to the committee, that in a very able work, to which I have already referred as having been recently sent to me, the author, who examines this point with perfect candor, advances the opinion, that thousands have, within the period alluded to, been precipitated into embarrassments from that cause alone.* If it be true, as is alleged by Jacobs, that the whole stock of coin in circulation in 1829, was less, by upwards of £60,000,000, than that which circulated in 1809; and if any thing like the supposed diminution of the actual quantity by abrasion, by loss, by consumption in manufactures takes place, (one per cent. a year,) it becomes matter of serious speculation, what means shall be adopted to obviate so great an inconvenience as a continually decreasing metallic basis, at a period when commerce and its productive powers are so immensely on the increase. Sir, that question is infinitely more interesting in a highly progressive country than in any other. In such a country, the currency must be regularly enlarged, with the growth of its population and of its productive power, or it is subjected to the most terrible of all evils, falling prices. Every body that has ever treated of such subjects, has dwelt upon the effects of an increasing currency, as wonderfully favorable to industry. No more striking example of this truth can be desired than what was witnessed in the 16th century, after the importation of gold and silver from America began to produce a decided effect upon the distribution of wealth. It is admitted on all hands to have been the period of the greatest improvement in society that has occurred in its history; and of all countries, be it remembered, England benefited most by the general rise of prices, because so large a portion of her farmers held leases for long terms of years, and paid money rents; the increase of the circulation operating to reduce the real value of the returns made to the landlord in favor of his tenant. The great benefit of a full and especially an increasing circulation thus consists not only in quickening and facilitating exchanges, (itself an immense stimulus to industry,) but in securing to the industrious classes rather a larger proportion of the income of society than they would otherwise enjoy. Every thing which they buy to sell again advances in price while it is

* Thorton.

* Money and its Vicissitudes in Value.

in their hands, and this unquestionable truth is of itself a total refutation of all that is said concerning the oppressive operation of bank paper upon the productive classes, by the very persons who, in the same breath, speak of its excess and depreciation.

With a population, then, increasing at the rate of four or five per cent. a year, and with an accumulation of capital and productive power proportionably greater, I hold it to be utterly absurd to talk of any thing like a metallic currency in the United States. There is no possible means of procuring it; and if by any means it could be procured, I venture to affirm that our people would get rid of it in the course of a few years, though all the penal laws of Spain against the exportation of gold and silver should be re-enacted here—laws which were passed with no other effect, even in that country, but to show the utter futility of such legislation. I say, sir, that, with their present habits of active enterprise and strict economy, the American people would export the precious metals as fast as they were imported, beyond any amount of them which might be absolutely necessary for the domestic exchanges of the country, and they would do so, because gold and silver would be of more use abroad in purchasing commodities, and would be wholly superfluous at home, where paper would do as well. If you put down "the banks," it would have no effect but to set up something worse in their place, in the shape of private paper. There are some things over which the most despotic lawgivers are unable to exercise any control; and one of them, as all experience shows, is this commerce in bullion.

Sir, it has been said that the only advantage of a paper currency over the precious metals consists in its cheapness. I am, by no means, as you may gather from what I have said, ready to admit this; but, supposing it to be true, is that saving really an unimportant matter? Mr. Gallatin, in a pamphlet of signal ability,* has, as I conceive, fallen into a grave error on this subject, which it is so much the more important to rectify, as I perceive that he has misled others more disposed than himself to turn a speculative error into a practical mischief. He states the whole benefit derived from the use of paper, instead of the precious metals, in the United States in 1830, including, under the name of circulation, private deposites in the banks, as they ought undoubtedly to be, at about five millions of dollars a year. It is true that, according to principles admitted by Mr. Gallatin, the progress of the country, both in wealth and population, in the last seven years, would require a very considerable addition to be made to this estimate, in order to a correct application of it to our actual condition. But, sir, it appears to me that the estimate was made on data altogether erroneous. In the first place, the quantity of currency, if it were metallic, necessary to the circulation of this country, was prodigiously underrated. For reasons that need not be stated here, it is found that a given amount of metallic currency does not circulate as rapidly as an equal amount of paper, and, therefore, that more of it is, *ceteris paribus*, required to do the same business. But, without going into such minute inquiry here, why should the United States, with sixteen millions of inhabitants, and relatively the most active trade, both foreign and domestic, in the world, and with extraordinary productive power of all sorts, not need, at the very least, half the circulation in France, with only double their population, and not half their industry? The stress that ought to be laid on this latter circumstance may be illustrated by comparing Asia with Europe in this particular: double the population in the former, possessing, according to the most accurate researches, only one-fifth the quantity of gold and silver, which, in addition to paper of all sorts, is required in the latter. Now, the circulation of France was, before the first Revolution, set down by Neckar at £88,000,000;* and Theirs, in his history of that event, makes a similar estimate.† Its present amount ought, in reference to the increase of her capital and population, to be at least 600,000,000 dollars; and accordingly, as was observed by one of my colleagues, [Mr. Thompson,] it is stated at that on good authority.‡ Mr. Rothschild, in his examination before the committee of the House of Commons, in 1832, mentions the paper circulation of the Bank of France as amounting to 750,000,000 francs. According to this, then, we should require, on the footing of population alone, at least 300,000,000 dollars. So much for the amount; now for the loss upon it.

Mr. Gallatin considers it only as so much interest on dead capital, and even the interest he puts at an exceedingly low rate. But I apprehend the difference to the country between having a vast inert mass of gold and silver as currency, and turning it into productive capital, must be determined not in relation to interest merely, but to the profit of stock laid out in active industry, which is nowhere in this country less than ten per cent., and in the great majority of cases, the new States and all included, nearer double that amount on an average. You see, then, sir, what an enormous loss a metallic currency would be to the nation, without taking into account its wear and tear. Look back at the half century that has passed away, and say what that loss would have been, on principles of compound interest, from the beginning up to the present day. Why, sir, it exceeds all powers of calculation, nay, of imagination. Do not suppose for a moment that so important, so palpable a truth, although never stated in abstract terms, or as a general proposition, has not occurred to the people of the United States. They have felt it, without perceiving it; they have acted upon it, without reasoning about it; they have perfectly well comprehended the uses of money, without studying the principles of currency; and they have preferred paper as a circulating medium to gold and silver, on the simplest maxims of prudence and economy. You may depend upon it, this conclusion is as deeply rooted as it is just. You will never be able to shake it. All your policy will be of no avail, as all legislation will be forever vain which comes into conflict with the genius of a people, especially in matters so deeply and visibly affecting their private interest. The barbarian who, in his impotent rage, threw fetters into the Hellespont, and scourged its foaming billows, did not wage a more insane war against the nature of things.

But we are told that if it is an experiment that has been proposed to us, we need not be alarmed at it, because we are accustomed to experiments, and successful ones; that our constitution itself is a mere experiment. Sir, I deny it utterly, and he that says so shows me that he has either not studied at all, or studied to very little purpose, the history and genius of our institutions. The great cause of their prosperous results—a cause which every one of the many attempts since vainly made to imitate them on this continent or in Europe only demonstrates the more clearly—is precisely the contrary. It is because our fathers made no experiments, and had no experiment to make, that their work has stood. They were forced, by a violation of their historical hereditary rights under the old common law of their race, to dissolve their connexion with the mother country. Their external, their federal relations were of course changed, and in that respect, and in that respect only, they were compelled to do their best in the novel situation in which they stood. What relates, therefore, merely to the union of the States is all that gives the least countenance to this superficial idea of an "experiment" which has done so much to misguide the speculations of some visionary minds upon these important mat-

* Considerations on the Currency and Banking of the United States, Philadelphia, 1831.

* See an article in Blackwood's Magazine for last February.
† Burke's Letter on the French Revolution.
‡ Theirs's Hist. de la Revolution Française, v. 5, p. 21.

ters. Even in this respect, however, an attentive study of our history will show that strong federal tendencies existed, and had, frequently, on former occasions, manifested themselves.* But the whole constitution of society in the States, the great body and bulk of their public law, with all its maxims and principles, all that is republican, in short, in our institutions, remained after the Revolution, and remains now, with some very subordinate modifications, what it was from the beginning. Our written constitutions do nothing but consecrate and fortify the "plain rules of ancient liberty," handed down with Magna Charta from the earliest history of our race. It is not a piece of paper, sir, it is not a few abstractions engrossed on parchment, that make free Governments. No, sir, the law of liberty must be inscribed on the heart of the citizen; the word, if I may use the expression without irreverence, must become flesh; you must have a whole people trained, disciplined, bred, yea, and born, as our fathers were, to institutions like ours. Before the colonies existed, the petition of right, that Magna Charta of a more enlightened age, had been presented in 1628 by Lord Coke and his immortal compeers. Our founders brought it with them, and we have not gone one step beyond them. They brought these maxims of civil liberty, not in their libraries, but in their souls; not as philosophical prattle—not as barren generalities, but as rules of conduct; as a symbol of public duty and private right, to be adhered to with religious fidelity; and the very first pilgrim that set his foot upon the rock of Plymouth, stepped forth a living constitution! armed at all points to defend and to perpetuate the liberty to which he had devoted his whole being.

It only remains for me to advert briefly to one or two additional topics, and I have done. It has been argued as if the currency given to bank paper in this country were due almost exclusively to the countenance which Government affords it, by receiving it in payment of public dues. Certainly, sir, the patronage of Government is an important concurring cause of this credit, but it is not true that it is essential to it. What does the house of Rothschild owe to the Governments of Europe—that house to which all the Governments on the continent are obliged to have recourse in their financial exigencies? And here let me call the attention of those who declaim so vehemently against the agency of banking corporations, to the fact, that this mighty house, with its scarcely less than royal influence and splendor, like most of the other establishments of the same kind in Europe, is no corporation at all, but a mere private partnership; and to the additional fact, that this colossal fortune has been amassed in little more than a single generation, by an obscure person, born in a corner of the Juden Strasse of Frankfort on the Main, and his four sons. Do you not see, then, sir, that the odious common places, about "the money power," and "the political powers," either have no meaning, or apply with all their force to every accumulation of capital, and all the great results of modern commerce? The "money power," I presume, signifies "the power of money," which is widely diffused in this country, thanks to the protection of equal laws, and which will exist and continue to have its influence so long as those laws shall protect it from confiscation, whether it shall borrow the credit of the Government, or the Government shall borrow its credit. It is scarcely necessary to notice an idea, analogous to the last, which has been very much insisted on, and that is, that the commerce of New York has been built up by Government credits. Why, sir, this does appear to me too extravagant to need exposure. New York has been built up by her unquestionable natural advantages, and there is no measure of this Government—there is only one event that can possibly deprive her of her immense commercial ascendancy, the dissolution of the Union—that, and nothing but that, can do it. Commerce, as I have already remarked, leads everywhere to centralization: look at Liverpool—look at Havre, the last, in a hard-money country. But on this head there is a very important consideration, which has been urged with all his admirable eloquence by one of my colleagues in the Senate, [Mr. Preston.] If this concentration of commercial business at that city be injurious to the others now, what will it become if, by collecting the revenue in gold and silver, and thus making gold and silver mere merchandise, you add to the disadvantages of centralization all the difficulties of procuring coin; make New York the great specie market; and render the whole country tributary to the money changers of Wall street?

Sir, a word more to the South, and for the South. When your system of protection was still in all its vigor, we (I mean the people of South Carolina) sent you a protest against its principles and tendency, which contained, among other objections to it, one that deserves to be repeated here. We told you that we depended absolutely upon commerce—commerce on the largest scale—commerce carried on as it has been for the last half century, with an ever-increasing production, provoking and creating an ever-increasing consumption, and permitting us to send a million (now a million and a half) of bales of cotton into the market, without any danger of a glut. We told you the staple commodities, especially the principal one which we produced, were among the very few in the production of which slave labor can enter into competition with free. We reminded you that great revolutions in trade sometimes arose from apparently slight causes, and that, however far it might be from your purpose, or even your apprehensions, it was possible that your legislation might occasion us the loss of our foreign market, our only resource; that the result of that loss to us would be poverty and utter desolation; that our people, in despair, would emigrate to more fortunate regions, and the whole frame and constitution of our society would be seriously impaired and endangered, if not dissolved entirely. And we adjured you not to presist in a course of legislation of which the benefits to yourselves, even were they unquestionable, were nothing in comparison of the danger to which they exposed us—a danger which, however contingent or remote, involved our whole existence, and could not be contemplated without well-founded alarm. Sir, I repeat to you now—I repeat to the representatives of the whole South on this floor—the words then addressed to the House on a different subject. Let well alone. Resist this uncalled-for innovation, of which no one can foresee the whole extent nor the ultimate results. Mark what your Secretary of the Treasury has told you in the very paper in which he reveals the project on the table—you produce too much cotton. Go home, gentlemen of the South, and tell your people that their successful industry is a vice; that the fertility of their soil is a curse; that their excessive production occasions disorders in the State; and that the remedy for our troubles is, that they should live on short commons. Let them co-operate with our political economy, by depriving themselves of the little mercantile capital they have; let them abolish those corporations to which people, who cannot themselves do business with the widow and the orphan, have contributed their means for the accommodation of commerce; let them but do this, and their docility will be admirable, and shall have our approbation.

Sir, before I take my seat, there is one other topic that I feel it my duty to advert to—I mean to the supposed injurious effects of banking institutions upon the laboring classes of society. Although I have no doubt but that there are many defects in the constitution, as well as the management of those institutions in this country, and should be most willing to co-operate, if occasion served, in reforming them, I have no hesitation in acquitting them at least of this charge. Who that has ever heard of the re-

* Convention at Albany, &c.

lation between capital and labor, between wages and profits, but must see at once that it is unfounded; and, accordingly, Hume objects to banks that, by their issues, they raise wages, and so hurt the manufacturing interests of a nation. I have already remarked, that one of the effects of an increasing currency is to make a distribution of the wealth of society more favorable to the industrious classes of it—to confiscate, in a manner, the property of those who live on fixed incomes, for the benefit of those who produce the commodities on which those incomes are laid out. It is for this reason that the radicals of England—Mr. Atwood, for example—are all strenuous advocates of paper money, and even of inconvertible paper. The idea that the poor are to gain by a return to a metallic currency is, so far as I know, confined to their friends in this country, whose zeal is certainly greater than their knowledge.

It is true, sir, that among other disadvantages attending frequent fluctuations in the currency, it is said that wages are the last thing that rises in a case of expansion. And that may be so in countries where the supply of labor is greater than the demand; but the very reverse is most certainly the fact here, and where the demand, especially when stimulated by any extraordinary increase, real or fictitious, of capital, is always greater than the supply. All price is a question of power, or relative necessity between two parties; and every body knows that, in a period of excitement here, wages rise immediately, and out of all proportion more than any thing else, because the population of the country is entirely inadequate to its wants. During the last year, for instance, the price of labor became so exorbitant, that some of the most fertile land in South Carolina, rice fields, which have been cultivated for a hundred years, were in danger of being abandoned, from the impossibility of paying for it. Sir, as a Southern man, I represent equally rent, capital, and wages, which are confounded in our estates; and I protest against attempts to array, without cause, without a color of pretext or plausibility, the different classes of society against one another, as if, in such a country as this, there could be any natural hostility or any real distinction between them—a country in which all the rich, with hardly an exception, have been poor, and all the poor may one day be rich—a country in which banking-institutions have been of immense service, precisely because they have been most needed by a people who had all their fortunes to make by good character and industrious habits. Look at that remarkable picture—remarkable not as a work of art, but as a monument of history—which you see in passing through the rotundo. Two out of five of that immortal committee were mechanics, and such men!* In the name of God, sir, why should any one study to pervert the natural good sense and kindly feelings of this moral and noble people—to infuse into their minds a sullen envy towards one another, instead of that generous emulation which every thing in their situation is fitted to inspire—to breathe into them the spirit of Cain, muttering deep curses and meditating desperate revenge against his brother, because the smoke of his sacrifice has ascended to heaven before his own! And do not they who treat our industrious classes as if they were in the same debased and wretched condition as the poor of Europe, insult them by such an odious comparison? Why, sir, you do not know what poverty is. We have no poor in this country, in the sense in which that word is used abroad. Every laborer, even the most humble, in the United States soon becomes a capitalist, and even, if he choose, a proprietor of land; for the West, with all its boundless fertility, is open to him. How can any one dare to compare the mechanics of this land (whose inferiority, in any substantial particular, in intelligence, in virtue, in wealth, to the other classes of our society, I have yet to learn) with that race of outcasts, of which so terrific a picture is presented by recent writers—the poor of Europe! a race, among no inconsiderable portion of whom famine and pestilence may be said to dwell continually; many of whom are without morals, without education, without a country, without a God! and may be said to know society only by the terrors of its penal code, and to live in perpetual war with it. Poor bondmen! mocked with the name of liberty, that they may be sometimes tempted to break their chains, in order that, after a few days of starvation in idleness and dissipation, they may be driven back to their prison house to take them up again, heavier and more galling than before; severed, as it has been touchingly expressed, from nature, from the common air, and the light of the sun; knowing only by hearsay that the fields are green, that the birds sing, and that there is a perfume in flowers.†

And is it with a race whom the perverse institutions of Europe have thus degraded beneath the condition of humanity, that the advocates, the patrons, the protectors of our working men, presume to compare them? Sir, it is to treat them with a scorn at which their spirit should revolt, and does revolt. Just before I left Charleston, there was a meeting called for some purpose, which was regarded by the people of that city as unfavorable to public order. There was something, I suppose, in the proceedings which looked to the invidious distinction of which I have been speaking; for it led, as I have heard, to an expression of sentiment from one of our mechanics,‡ which struck me as noble beyond all praise. He said he wondered what could be meant by addressing to the industrious classes, particularly, all inflammatory appeals against the institutions of the country, as if they were not a part of the community as much interested in its order and peace as any other; as if they had no ties of sympathy or connexion with their fellow-citizens; above all, as if they had not intelligence and knowledge enough to take care of their own interests, but were reduced to a state of perpetual pupilage and infancy, and needed the officious protection of self-constituted guardians! Sir, that was a sentiment worthy of a freeman, and which may be recorded, with honor, among the sayings of heroes.

Mr. Chairman, I thank the committee for the attention with which it has honored me. I have detained it long; but I was full of the subject, which appears to me to be one of vast importance in all its bearings. I have spoken what I felt and thought, without reference to party. But I will say one word to those with whom I have generally acted on this floor. I have heard that some of them disapprove this measure, but are disposed to vote for it to oblige their friends. Sir, this is a strange and a great mistake. A true friend ought to be a faithful counsellor. Let them remember the deep reproach which the great poet puts in the mouth of one of his heroes:

> "Hadst thou but shook thy head, or made a pause,
> When I spoke darkly what I purposed;
> Or turned an eye of doubt upon my face!"

When Mr. LEGARE had concluded,

Mr. NAYLOR, of Pennsylvania, rose and said, it was with great reluctance that he rose, for the first time, in this hall. He felt himself obliged to rise. Yes, (said Mr. N.,) I am impelled to speak. I cannot remain silent. I voted for the introduction of this bill to our deliberations some days since, on purpose to afford the honorable gentleman from South Carolina [Mr. PICKENS] an opportunity to express his views in relation to it. I perceived his anxiety to speak, and felt a friendly disposition to gratify him. If I were surprised when I heard him draw into the vortex of discussion the excitive topics of abolition, Texas, slavery, and locofocoism, topics which have nothing to do with this subject, what must have been my feelings when I heard him denounce the institutions of the North as mercenary

* Franklin and Sherman, signers of the Declaration.

† Michelet. ‡ Mr. Harby.

and slavish, and exalt those of the South as ancient, patriarchal, and almost perfect; boldly avow that the laborers of the North were the subjects of the Northern capitalists; put the Northern workmen on a footing with the Southern slaves, and threaten to preach insurrection to the laborers of the North. Yes, preach insurrection to the Northern laborers!

I am a Northern laborer. Ay, sir, it has been my lot to have inherited as my only patrimony, at the early age of nine years, nothing but naked orphanage and utter destitution; houseless and homeless, fatherless and pennyless, I was obliged, from that day forward, to earn my daily bread by my daily labor. And now, sir, when I take my seat in this hall as the free representative of a free people, am I to be sneered at as a Northern laborer, and degraded into a comparison with the poor oppressed and suffering negro slave? Is such the genius and spirit of our institutions? If it be, then did our fathers fight, and bleed, and struggle, and die in vain!

But, sir, the gentleman has misconceived the spirit and tendency of Northern institutions. He is ignorant of Northern character. He has forgotten the history of his country. Preach insurrection to the Northern laborers! Preach insurrection to me! Who are the Northern laborers? The history of your country is their history. The renown of your country is their renown. The brightness of their doings is emblazoned on its every page. Blot from your annals the deeds and the doings of Northern laborers, and the history of your country presents but a universal blank.

Sir, who was he that disarmed the Thunderer, wrested from his grasp the bolts of Jove, calmed the troubled ocean, became the central sun of the philosophical system of his age, shedding his brightness and effulgence on the whole civilized world—whom the great and mighty of the earth delighted to honor; who participated in the achievement of your independence; prominently assisted in moulding your free institutions, and the beneficial effects of whose wisdom will be felt to the last moment of "recorded time?" Who, sir, I ask, was he? A Northern laborer—a yankee tallow-chandler's son—a printer's runaway boy!

And who, let me ask the honorable gentleman, who was he that in the days of our Revolution led forth a Northern army, yes, an army of Northern laborers, and aided the chivalry of South Carolina in their defence against British aggression, drove the spoilers from their firesides, and redeemed her fair fields from foreign invaders—who was he? A Northern laborer, a Rhode Island blacksmith—the gallant General Greene, who left his hammer and his forge and went forth, conquering and to conquer, in the battles of our independence! And will you preach insurrection to men like these!

Sir, our country is full of the glorious achievements of Northern laborers! Where is Concord, and Lexington, any Princeton, and Trenton, and Saratoga, and Bunker Hill, but in the North? And what, sir, has shed an imperishable renown on the never-dying names of those hallowed spots but the blood and the struggles, the high daring and patriotism, and sublime courage of Northern laborers! The whole North is an everlasting monument of the freedom, virtue, intelligence, and indomitable independence of Northern laborers! Go, sir, go preach insurrection to men like these!

The fortitude of the men of the North under intense suffering for liberty's sake, has been almost God-like! History has so recorded it. Who comprised that gallant army that without food, without pay, shelterless, shoeless, pennyless, and almost naked, in that dreadful winter—the midnight of our Revolution, whose wanderings could be traced by their blood-tracks in the snow! whom no arts could seduce, no appeal lead astray, no suffering disaffect, but who, true to their country and its holy cause, continued to fight the good fight of liberty, until it finally triumphed! Who, sir, were these men? Why, Northern laborers; yes, sir, Northern laborers!

Who, sir, was Roger Sherman, and—but it is idle to enumerate. To name the Northern laborers who have distinguished themselves and illustrated the history of their country, would require days of the time of this House. Nor is it necessary. Posterity will do them justice. Their deeds have been recorded in characters of fire!

And such are the workingmen of the North at this time. They have not degenerated; they are in all respects worthy of their intelligent and sturdy sires. Whose blood was so profusely shed, during the last war, on the Canada lines, but that of the Northern laborers? Who achieved the glorious victories of Perry and McDonough on the lakes, but the Northern laborers? Yes, they "met the enemy and made them theirs." Who, sir, have made our ships the models for all Europe, and sent forth in the late war those gallant vessels that gave our little navy the first place in the marine annals of the world, and covered our arms on the ocean in a blaze of glory, but the skill, and intellect, and patriotism of the Northern laborers? And who, sir, manned these vessels and went forth and for the first time humbled the British lion on the ocean, but the Northern laborers? And who, sir, was he, that noble tar who, wounded, and bleeding, and mangled, and to all appearance lifeless on the deck of one of our ships, on hearing that the flag of the enemy had struck, and that victory had perched on the proud banner of his country, raised up his feeble mangled form, opened his languid eyes once more to the light of heaven, waved his palzied hand around his head in token of his joy, and fell back and died. Who, sir, was he? Why, a Northern laborer; a Northern laborer! And yet these men are the slaves of the North, to whom the honorable gentleman is about to preach insurrection!

[Mr. PICKENS explained, and said in substance that he had spoken only of the tendency of Northern institutions to make the workingmen of the North tributary to the capitalist, and to prevent them from rising from their laborious situation. That he had not degraded them into a comparison with the slaves, but had said that, if the people of the North would continue to interfere with the slaves of the South, that then he (Mr. PICKENS) would preach insurrection to the Northern laborers!]

Mr. NAYLOR resumed and said: I have not misunderstood the honorable gentleman. That the honorable gentleman does treat the Northern workmen as Southern slaves is evident from what he had just said. If he had not intended to place them in the same degraded situation of slaves, how could he threaten to preach insurrection among them? Sir, the honorable gentleman has mistaken the tendency of Northern institutions, as much as he has misconceived the worth and spirit of Northern character. Our institutions have no such tendency; no, sir, but exactly the reverse. They raise up the laborer. They place every man upon an equality. They give to all equal rights and equal chances, and hold out to all equal inducements to action. Northern institutions tend to keep down the Northern laborers! The whole history of the North, from the landing of the first pilgrim on the rock of Plymouth to this hour, contradicts this position.

I appeal to the Representatives from Pennsylvania. I ask you, sirs, who is Joseph Ritner, that distinguished man, who, at this very moment fills the executive chair of your great State—a man who, in all that constitutes high moral and intellectual worth, has few superiors in this country—one who has all the qualities of head and heart necessary to accomplish the great statesman, and who possesses, in the most enlarged degree, all the elements of human greatness—who, sirs, is he? A Northern laborer—a Pennsylvania wagoner—who, for years, drove his team

from Pittsburg to Philadelphia, "over the mountain and over the moor," not "whistling as he went," no, sir, but preparing himself then, by deep cogitation and earnest application, for the high destiny which the future had in store for him. And who, let me ask the same gentlemen, who is James Todd, the present attorney general of Pennsylvania, distinguished for the extent of his legal acquirements, for the comprehensive energy of his mind, for his strength of argument, and vigorous elocution—who, sir, is he? He, too, is a Northern laborer—a Pennsylvania wood-chopper. In early childhood a destitute, desolate orphan, bound out by the overseers of the poor as an apprentice to a laborer! These, sir, are some of the fruits of Northern institutions, some of the slaves to whom the honorable gentleman will have to preach insurrection!

But, if the Northern institutions be hostile to equality, and have the effect that the honorable gentleman contends for, to keep down the workmen and make them tributary to the capitalists, how comes it, how comes it, that I am now, at an early age, a representative in this hall? Sir, the gentleman is utterly, utterly deceived as to the effect of our institutions and the character of public sentiment in the North.

Fellow-freemen of my own, my native district, bankers, capitalists, and merchants, (so much denounced,) manufacturers, mechanics, and laborers, I appeal to you all: Did it ever occur to any one of you, when I was a candidate for the high office to which your free suffrages have elevated me—did it, I say, ever occur to any one of you to object to me because poverty, orphanage, and destitution had once made me a laborer for my daily bread? No, sirs, no, I will do you the justice to answer for you—no! Your inquiry was not, "is he rich or poor, a laborer, a capitalist, a banker, or a merchant?" but "is he a man? has he ability enough moderately to sustain our interests in the great councils of the nation, and nerve and moral courage enough fearlessly to defy the assaults of power, and to vindicate the outraged principles of our constitution?" And here, sir, I now am, and what is there to prevent me from taking my stand by the side of the proudest man in this hall?

Mr. Chairman, it is not the first time that I have heard a parallel run between the slaves of the South and the working-men of the North. For a while, sir, that parallel was made as to the relative condition of the free negroes of the North and the slaves of the South. Recently, however, some of those who advocate the surpassing excellence of the slave institutions of the South, have taken a bolder and more daring stand. Racking their brains for arguments and illustrations to justify slavery as it prevails among *them*, they have hazarded the bold proposition that slavery exists in every country; and that, in the North, the operatives, though nominally free, are in fact the slaves of the capitalists. Such a proposition is monstrous. I tell you, sir, gentlemen deceive themselves. They slander the free institutions of their country. They wrong the most intelligent and enterprising class of men on earth. I know them well; I have been long associated with them. I have seen them form themselves into libraries and other associations for intellectual improvement. I have seen them avail themselves of every leisure moment for mental culture. I have seen them learned in the languages, skilled in the sciences, and informed in all that is necessary to give elevation to the character of man, and to fit him for the high destinies for which he was designed. Let the honorable gentleman go among them, and he will find them in all respects equal to those who make it their boast that they own all the laborers in the South. Yes, sir, as well qualified to become honorable rulers of a free people—having heads fitted for the highest councils, and fearless hearts and sinewy arms for the enemies of this great nation.

Mr. Chairman, I call upon gentlemen of the North to bear witness to the truth of what I have said; I call upon them to look back to the days of their childhood and say whom they have seen attain honor, distinction, wealth, and affluence? Are they not the working, the industrious parts of society? And do not the institutions of the North necessarily lead to such results? Sir, when I pause for a moment, and behold what are now the little destitute playmates of my childhood, I am overwhelmed with astonishment. Some of them have gone forth from their homes, become draughters and signers of declarations of independence, founders of new empires, breakers of the chains of despotism, and the earth, even in their youth, has drunk up their blood, shed willingly in the cause of the rights of man. Some have ministered at the altar of their divine Master. Some have led the bar, adorned the Senate, illustrated the judiciary; and others have wandered in the flowery field of literature, trod in the cool, tranquillizing paths of philosophy, delved in the depths of science, and compassed the world with their enterprise. In a word, civilization has no pursuit that they have not already honored and adorned. And yet these men are some of the fruits of those odious institutions against which the eloquent gentleman has undertaken his crusade.

Sir, it is the glory of the Northern institutions that they give to every man, poor and rich, high and low, the same fair play. They place the honors, emoluments, and distinctions of the country before him, and say "go run your race for the prize, the reward shall encircle the brow of the most worthy." Thus it is that every one feels and knows that he has a clear field before him, and that, with industry, prudence, and perseverance, he can command success in any honorable undertaking. He knows that his industry is his own; his efforts are his own, and that every blow he strikes, whilst it redounds to his own immediate advantage, contributes also to the good of the community, and the glory and renown of his country. All honorable employments are open to him. The halls of legislation are open to him; the bar is open to him; the fields of science are before him; there is no barrier between him and the object of his ambition, but such as industry and perseverance may overcome.

Look at the workings of their institutions upon the appearance of the North. Look at her mighty cities, her forests of masts, her smiling villages, her fertile fields, her productive mines, her numerous charities, her ten thousand improvements. Behold my own, my native State. Pennsylvania is intellectualized under their auspices. Her soil and hills and valleys and rocks and everlasting mountains live and breathe under the animating influence of her intelligent and hard-working population; every stream feeds its canal, every section of country has its railroad, distance is annihilated, the flinty ribs of her rocky mountains are driven asunder, the bowels of the earth yield forth their treasures, and the face of the earth blooms and blossoms and fructifies like a paradise. And all this, all this is the result of the intelligence, industry, and enterprise of Northern laborers, fostered by the genial influence of their institutions.

Nor are their efforts confined to their own country alone. Their industry and enterprise compass the whole earth. There is not a wave under heaven that their keels have not parted; not a breeze ever stirred to which they have not unfurled the starry banner of their country. Go to the frozen ocean of the North and you will find them there; to the ocean in the extreme South and you will find them there. Nature has no difficulty that they have not overcome—the world no limit that they have not attained.

In every department of mind do the institutions of the North exert a wholesome, a developing influence. Sir, it was but a few days since that you saw the members of this House gathered round the electro-magnetic machine of Mr. Davenport. There they stood, mute and motionless; be-

holding, for the first time, the secret, sublime, and mysterious principles of nature applied to mechanics; and there was the machine, visible to all eyes, moving with the rapidity of lightning, without any apparent cause. But the genius that made the application of this sublime and mysterious influence, who is he but a laboring, hard-working blacksmith of the North?

Sir, where do learning, literature, and science flourish but in the North? Where does the press teem with the products of mind but in the North? Where are the scientific institutions, the immense libraries, rivalling almost at this early day, Europe's vast accumulations, but in the North? And who, sir, gives form, and grace, and life, and proportion to the shapeless marble but the sculptor of the North? Yes, sir, and there, too, does the genius of the pencil contribute her glowing creations to the stock of Northern renown. To Northern handiwork are you indebted for this magnificence of this mighty Capitol. And those noble historical pieces now filling the panels of the Rotundo, which display the beginning, progress, and consummation of your Revolution, and give to all posterity the living forms and breathing countenances of the fathers of your republic—they, too, are the works of a Northern artist!

But before I conclude this branch of my subject, let me make one observation that I had almost forgotten. The gentleman seems to think that our workmen must of necessity be the passive instruments of our capitalists. His idea of the power and influence of wealth, controlling the very destinies of the man who labors, must be derived from the institutions of his own generous South; where he frankly avows that the capitalist does absolutely own the laborers. His views are, however, utterly inapplicable to the North. Who are the Northern capitalists of to-day, but the penyless apprentices of yesterday? Sir, in the North there is scarcely a class of men existing exclusively as capitalists. The character of capitalist and laborer is there united in the same person. In ninety-nine cases out of a hundred, he who is a capitalist has become so by his own industry and perseverance. He begins as an humble "laborer"—his industry, virtue, and integrity his only capital. He gradually accumulates. Every day of toil increases his means. His means are then united to his labor, and he receives the just and honest profits of them both. Thus he goes on, joining his accumulations with his labor, receiving the profits of his capital and his toil, scattering the fruits of his efforts abroad for the benefit of society, living in manly independence, and laying up a stock of comfort and enjoyment for his declining years. Such was the rich Girard, the "merchant and mariner," as he styles himself in his last will. He began his career a destitute cabin-boy. And such are the capitalists all over the North. They were all laborers some few years since; and the humble operative of to-day must and will be the wealthy capitalist in some few years to come; and so far are the institutions of the North from retarding his advance, that they encourage him, aid him, cheer, cherish, and sustain him in his onward career.

But, sir, there is no limit to this subject. I will pursue it no farther. I might easily exhaust myself, but the subject is inexhaustible. What I have said has been said to vindicate the character of my constituents from unjust attacks, and to relieve the institutions of the North from the burden of denunciation which has been so profusely heaped upon them. I have uttered nothing in a spirit of disparagement to the South. No, Heaven forbid! I am incapable of it. The whole country is my country. To me there is neither North nor South, East nor West. I am an humble representative of it all. Our fathers fought and bled and died for it all. And how can we, their sons, if we respect their principles and cherish and venerate their memories, how can we quarrel about local difficulties and foster sectional jealousies? I stand here the representative of the whole country. Not an inch of any part of that country shall be disparaged with my consent. Whatever concerns its honor and renown deeply and dearly concerns me. I will scrupulously respect the rights and feelings of every section of the country, and do all in my power to advance, nothing to retard, its peculiar interests except where they may come in conflict with some great fundamental principle which must not be sacrificed. I will exert my influence to heal sectional differences, exterpate petty jealousies, foster a becoming spirit of conciliation, promote universal harmony among the different portions of the Union, and make the Union itself as everlasting as the soil which it embraces. With these feelings and this determination I have come into this House. But, sir, I never can and never will remain silent when the rights, or interests, or characters, or institutions of my own immediete constituents are attacked. No, sir, let that attack come from what quarter it may, I will be ever prompt to offer my feeble resistance and interpose my voice in their just vindication!

I now beg leave, Mr. Chairman, to make a few remarks, more immediately connected with the bill under consideration. By the madness and folly of her rulers, our country has been precipitated to a crisis. We have been convened here to meet that crisis. That is, the people and this House have been so informed. But have we met it? Are we meeting it? No, sir; we have been called here to do what this House has been doing for the last six years, to echo the will and further the wishes of the Executive; to carry out the recommendations of the President's message; to cease to be the free representatives of the people, and to become the pliant instruments of power. Nothing is to be introduced to our deliberations but what the President has recommended. Petitions are presented, and they are trampled under foot; plans of relief are suggested, and they are laid upon the table. The people demand from you, through their representatives, a fair and impartial hearing, and you meet them with that gag of despotism—the previous question. And when we ask why is all this, we are impudently told that we must attend to the relief of the Government; that we have nothing to do with the people; that the President has submitted his plans, and that right or wrong we must sustain them; that he has chalked out to us the line of our legislative duties, and that we must follow that line, toe the mark; yes, toe the mark is their phrase, and then go home and tell our constituents that we have slavishly done our master's bidding.

Sir, it is by conduct like this that our country has been precipitated from the height of prosperity into the very depths of distress. This House is responsible for much of the evil under which the people are now groaning. Their representatives in Congress have been faithless to them. They have surrendered up their independence and become the mere echo of the President's will. Instead of freely deliberating and choosing what was best for the people and the country, they have been watching the ever-changing countenance of the Executive, and ascertaining what were his wishes and determinations—and thus have they been slavishly echoing and re-echoing that will until the great fundamental interests of the country have been entirely sacrificed. The people have been lost sight of; those who were their servants have become their masters. I ask every candid man whether the legislation of Congress has not, for many years, conformed, in every important particular, to the commands of the Executive? Whether the rescripts of the administration have not been the law of the land? Let us revert to the history of the past and see what are the lessons that it teaches.

Large majorities of both Houses of Congress passed an act for the recharter of the Bank of the United States. The

democratic Legislature of my own State, Pennsylvania, unanimously recommended it. It was vetoed by the President. And what did Congress do? Why, sir, changed their opinion—echoed that veto! Yes, we saw the very man who draughted and advocated the bill for rechartering the bank, (Mr. Dallas,) presiding at a town meeting a few weeks afterwards, and there opposing the very measure of which he was the author and father; ay, turning at the beck of the President, like Saturn of old, to destroy his own offspring. This, perhaps, may have been all very well; but is it not a remarkable proof that members of Congress found it inconvenient to have opinions which did not exactly conform to those of the Executive?

But again: Congress investigated the situation of the Bank of the United States, for the purpose of ascertaining whether it still continued to be a safe depository of the public moneys. They found its situation to be sound and wholesome, and declared, by a large majority, that the deposites should be continued in it, according to law. The President, however, a short time afterwards determined otherwise, ordered the Secretary of the Treasury to lay violent hands upon the treasures of the nation, to take them from the place where Congress and the law declared they should be, and scatter them abroad over the land, by depositing them with the pet banks; there to be used for the purpose of swelling the deluge of paper money, and of feeding and pampering and bloating the demoralizing spirit of speculation.

In sixty days afterwards Congress met. Well, and what did members of Congress do? Did they adhere to their former resolution? No, sir, they again surrendered up their independence; again changed their opinion, and again echoed the will of the Executive.

Then it was, that the President formed his league of pet banks. He conceived and planned, and put in operation, a project which, according to his promise, was to banish bank rags from the community, give us the best of currencies, and fill up the channels of circulation with gold. This was the sole work of the Executive and his agents. Congress had nothing to do with it. He submitted his plan, however, to Congress, in the form of a law, for their approval. They hesitated for a while, and grumbled a little; but, not daring to disobey, they at length again complied with his requisitions, went through all the unmeaning forms and idle ceremonies necessary to give it a legal shape, forgot the people and the country, and again echoed the will of the Executive!

But, sir, it is in vain to give further examples of the entire dependence of this House on the Executive. The President has been passing our laws! Congress, in truth and in fact, has had nothing to do with them! His will has been supreme. This House, instead of being the free representative body of the people, has been the representative of the President!

But the bubble has at length burst. The gilded project of which so much was promised and so much expected by an injured and confiding people, is at an end. While the people stood anxiously awaiting the realization of its promised advantages, it suddenly exploded, and involved them and their business, the country, its exchanges, currency, and prosperity, in a scene of confusion and distress unparalleled in the annals of our civil history. The Government, from a hollow and bloated appearance of sanity, became suddenly bankrupt. The people were overwhelmed with distress, and from every quarter of the country asked relief from the evils that had come upon them.

Meeting, then, under these circumstance, I ask had we not a right to expect that Congress once more would resume its independence, and attend faithfully and fearlessly to the business of their constituents, and that the administration would now abandon its projects and give over its attempts to sway and subjugate and enslave the representatives of the country? But have our expectations been realized? What have we been about? What have we done? Let us see whether we have not again been subserviently echoing the will of the Executive?

Our first act was to pass a bill for the postponement of the payment of the fourth instalment to the States, to withhold from them the sum of upwards of nine millions of dollars, which, by the act of 23d June, 1836, we had contracted to put in their possession. By that law it is provided "that all the money in the Treasury of the United States, on the first of January, 1837, reserving the sum of five millions of dollars, should be deposited with the States in proportion to their respective representation in the Senate and House of Representatives of the United States." Under this law it became the duty of the Secretary of the Treasury, on the first of January, 1837, to reserve five millions out of it for the use of the Government, and appropriate the balance, whatever it might be, to the States as already mentioned. The Secretary of the Treasury performed this duty, and found that there were upwards of forty-two millions of dollars in the Treasury. He reserved the five millions, and then announced to the different States of the Union, that there was in the Treasury, specifically set apart for them, the sum of thirty-seven millions of dollars, to be paid to them in four instalments. The States agreed to receive the money. Three instalments of the money they did receive. The fourth and last instalment of between nine and ten millions of dollars was to have been paid to them on the first of this month. This is a plain unvarnished statement of the case. Thus we see that on the first day of January last, there was in the Treasury thirty-seven millions of money specifically set apart by the law for the States. There it was. The Secretary of the Treasury counted it and declared it to be there. Now, why has not this money been all paid to the States? Was it because this House passed a bill for the postponement of the last payment? No, sir, but because this administration had previously used this money for their own purposes. They, Martin Van Buren and his administration, betrayed the trust reposed in them, squandered this money—and when the representatives of the people assemble here in special session, we are informed by the President and his Secretary of the Treasury that the money that was in the Treasury for the States is gone, has evaporated, and that we will have to postpone the payment of one fourth of it. Thus we see that the money was used by the administration. The President and his policy have postponed the payment of the fourth instalment. Congress has had nothing to do with it. The money was there for the States on the first of January last. When we met here in eight months afterwards it was not there. Suppose the bill for postponing its payment had not been passed, could the States have got the money? No. Why? Because the administration had previously used the money that was specifically set apart for them. Thus you perceive that the Executive postponed the payment of it. And, after doing this, he very modestly calls upon Congress to pass a law to do what he had previously done! Well, and what did Congress do? Why again they echo the will of the President, pass a law postponing what had already been postponed, and declaring a solemn falsehood to the whole country, that we, yes, that we had withheld from the people of the States nine millions and a half of money, when it had been done months before by the executive rulers of our country!

This is the first exhibition of the independence of this body! If we continue thus to comply with the behests of power and to delude and betray the people, I ask, in the name of Heaven, what is to become of our country and its free institutions?

[Here the House took its usual recess. After the recess Mr. NAYLOR resumed.]

Mr. Chairman, the embarrassment incident to my novel situation, and the excitement which hurried me on to vindicate Northern people, sustain Northern institutions, and to show their effect upon the community, caused me to forget this morning some of the topics that I had intended to introduce, and to enlarge on others that I expected only to have glanced at. It is too late, however, to take them up now. I will go on, therefore, where I left off.

The second great measure which the administration commanded you to pass, and which you did pass, was the bill for the manufacture of ten millions of Treasury notes. Yes, ten millions of paper money—ten millions, not of bank rags, but Government rags—ten millions of old continental paper—ten millions of shin plasters! And is it possible that these are the fruits of those long years of exciting, convulsing, distracting experiments, which our rulers promised us should produce such a safe and convenient currency, and flood the whole land with gold? Ay, gold, gold, was the cry; and now we have gold with a vengeance! The banner of our rulers has had for its motto, not our country, nor liberty, nor patriotism, nor union, nor any other ennobling or inspiring sentiment; no, sir, but that miserable and mercenary promise "for gold, gold, gold." For years have our people been mocked and deluded with the empty promise of gold. And now, at the very moment when they reach forth their expecting hands to possess it, like the gold which is said to reward a bargain with the Prince of Darkness, it turns in their grasp into dust and ashes! The Government has been raking it together from all quarters of the earth. They have wrung it with an iron and unrelenting grasp from the possession of the people. They have forced it out of circulation. It is money no longer; it is now merchandise. It is bought and sold, as you would buy your bread or any other necessary or convenience of life. The people are forced to buy it in order to pay their debts to the Government. And what does the Government do with it? pay it back to the people? No, sir, no, but magnanimously gives it to the officeholders! The officeholders then sell it to the people at a profit of from seven to twelve per cent. The people again pay it to the Government from which, as before, it immediately passes to the officeholders, who again sell it to the people at a large profit. Thus it moves round and round in one continued and contracted circle, cursing the people, and taking at every turn from their hard earnings the amount of premium paid for it, and enriching the pampered officeholder, just in proportion as it robs them. In the meantime the officeholders have got the Government exclusively to themselves. They have all the gold to themselves. They tell us that the Government and the people must be separate and distinct, that it was never intended that the Government should sympathize with their sufferings, or extend relief to their distresses. And how, sir, does this golden Government, with its immense professions, pay its own debts? What do they give to the hard toiling mechanic—the aged, feeble and tottering war-worn soldier of the Revolution? And what has the country for a currency? Why, rags, rags; not "bank rags" alone; no, (for they grow more scarce every day,) but all kinds of rags—a complete piece of patch work, an undistinguished gathering together of rottenness and confusion. And, to crown the whole, the President and his gilded partisans, have passed the bill for the manufacture of ten millions more of rags, with which still further to curse the country—the bill creating ten millions of paper money for the people!

In the name of Heaven, I ask, when will this evil end? When will members of Congress *be* members of Congress, break the shackles that bind them to the blind and dark and ferocious spirit of power, and stand forth the free representatives of the country?

Mr. Chairman, what an awful reckoning must the people have with those in power? Sir, the account must be made up sooner or later, between them and those rulers who have been promising only to deceive them, sporting with their hopes, trampling down their interests, marring their enterprises, and bruising their tenderest sympathies. The day of reckoning must come, will come! As certainly as truth must prevail over error, as certainly as rights must be vindicated and injuries redressed, so certainly will the people have justice, ay, and vengeance too, for the many wrongs with which a long course of misrule has visited them. We have already heard the rumbling at a distance. The volcano will burst forth. I warn gentlemen—I warn the administration, to "flee from the wrath to come!"

But, sir, I have again been hurried beyond my subject. I intended to have alluded to the Treasury note bill only to show that this measure, like all others, had been passed in conformity with the President's will.

The opposition in this House did all that reasonable men could do to prevent its passage. One submitted a plan for the collection of the debts owing by the deposite banks, and showing conclusively that, by this means, the Government could get their money from the banks and be saved the mortifying expedient of issuing ten millions of rag money. But no, it would not do. His proposition was not listened to. Another gentleman submitted a plan for the sale of the bonds which were given by the Bank of the United States, and not yet due to the Government; proving satisfactorily that this would entirely disconnect the Government from the bank, and raise money amply sufficient to dispense with the issuing of the Treasury notes. No, they would have Treasury notes. The President had recommended them, and of course his recommendation must become a law. So accustomed are the President and heads of Departments to consider their recommendations as having the force of law, and so certain was the Secretary of the Treasury that the Treasury notes would be issued, that a month before the bill was passed for that purpose, we find him writing circulars to many of the banks, and a great number of the large capitalists in the country, huckstering these very notes about for sale! What a humiliating commentary upon the independence of the people's representatives in Congress!

But, sir, the Secretary of the Treasury knew that this House would not disregard the will of the Executive. You did again echo that will. The law is passed. The administration designed to establish a great Treasury bank. The design is as evident as the sun in a cloudless heaven at noonday. They knew that they could deceive the people no longer with the golden humbug. They have now established their bank. You have ordered the issue of ten millions of its notes to begin with. These are all, and the only gold which the suffering people of this country will ever get from this false and deceitful administration! These, sir, are solemn truths, and why should I fear to utter them?

What next? The next great measure that we have recommended to us is the last great experiment of those in power, the "Sub-Treasury System." This project has not yet received the sanction of this House, and I pray Heaven that it never may. It is now before us for consideration. I purpose, in conclusion, to make a few hasty remarks upon it. I am opposed to this measure. Although not yet approved by Congress, it is now in operation. We see its workings. We have eaten of its fruits, and, for myself, they are distasteful to me. I loathe them. I am for cutting down the tree that produced them.

Sir, this scheme proposes to place in the hands of individuals who are dependent alone on the will of the President for their continuance in office, all, yes all the countless millions of the money of this Government for disbursement and safe-keeping. These men are to receive it, hold

it, use it, when and as they please, with no earthly barrier between it and the temptation to appropriate it to their own uses, which the personal custody of such immense treasures must offer, than the feeble restraints of poor, weak, fallible human nature, and the fear of the consequences which might result from an ultimate detection.

How many receivers and holders of the public money, or, in other words, how many "sub-treasurers" there will be scattered throughout the whole extent of this wide spread country, no man can at present determine. In France, where a similar system prevails, there are one hundred thousand! Here, I have no doubt, in a short time, the number would even exceed that. These men are to hold and absolutely possess the whole treasures of the nation. Some of them, particularly in our large cities, will have millions of dollars in their hands at a time. One uninterrupted golden current will be continually pouring in upon them. What a temptation, (even aside from party political influences) is thus offered to use a portion of this money occasionally or continually, as need or circumstances may require! Sir, the temptation will be irresistible. Surrounded by needy or pressing friends in distress, whose families and fortunes they may think will be comforted or repaired by a timely loan; in the very midst of the exciting whirl of speculation, with Fortune's dazzling visions urging them on to use the treasures confided to their keeping, and embark in schemes promising to result in the enjoyment of immense possessions, and with the full certainty that a temporary use of even large amounts, cannot be discovered; taking into consideration with these circumstances the fact that there will be one hundred thousand of these men—I say they will, in some cases, inevitably misappropriate the money. Large amounts of it must be lost. The treasures of the country will be plundered. Under such a system, there is no safety for the public funds.

But, sir, this is not the only evil that I see in this measure. The loss of the public moneys will be nothing compared to the moral and political evils that must flow from it. "Lead us not into temptation," was the sublime prayer of our God. Our rulers, disregarding this divine lesson, seem determined to surround their public officers with a consuming fire of temptation, from which there is to be no hope of escape. Their consciences are to be seared, and they are to go abroad corrupted and corrupting until the whole body politic becomes one offensive mass of putridity, smelling to heaven and tainting the very atmosphere of freedom. This may be strong language. But I see the evil strongly. I feel it strongly.

I have heard of the danger of uniting the purse and the sword. All the unions of this kind, heretofore deprecated as existing in this country, are as ropes of sand or bonds of gossamer compared to what will be the case if you pass this bill! You will not only unite one purse and one sword—no, sir, you will unite one hundred thousand purses and one hundred thousand swords—all ready to yield up their treasures and leap from their scabbards at the nod or stamping of the foot of one man!

A "sub-Treasury bill," it is gently termed in this House. Before the country, for the purpose of deluding the people and exciting popular feelings in its favor, you name it a "bill to divorce the Government from the banks." But what is it? Trampling the mere name under our feet, and looking at it as it is, stripped and naked in all its odious deformity—I ask what is it? Why, sir, it is a bill for arresting the flow of our prosperity—for subverting the fundamental principles of our republic—a bill for laying the corner stone of despotism. How do those in power recommend it to us? What arguments do they urge in favor of its adoption? "Oh," they say, "it is no new scheme. It exists in France; it flourishes in Prussia and Austria—it has grown into full and vigorous perfection in Russia. It prevails in Turkey and in every despotism of the new and old world."

My heart shudders, my blood curdles at their recommendations. In every country under heaven where such a system prevails, the people are trampled on and plundered of their rights; ground down to the very dust by the awful despotism of their rulers; bought and sold like cattle with the earth, persecuted by power, plundered by these very sub-treasurers, "chained to the brutes and fettered to the soil." And yet, sir, this administration and its advocates urge the example of these odious tyrannies, as almost the only argument in favor of the adoption of their hateful scheme. They tell us that their plan works very well in those countries. But they do not tell us that it is there the grand engine of despotism, without which the people could not be kept in slavery! Yes, the plan does work well in despotisms. It does the work effectually. It works admirably well. It answers the very purpose for which it was designed—that of plundering and enslaving the people, whilst it deprives them of the power of resistance!

Where am I? Is it possible that here, in this mighty capital of the only free republic on earth, with the deeds of our gallant fathers still green in our memories, with here and there one of their lingering associates now gazing upon our deliberations, and the thunders of Yorktown yet ringing in our ears—is it possible, I say, under these circumstances, that we can calmly listen to a proposition to abandon the settled policy of our Government from its beginning to this day, despise and denounce the wisdom of its immortal founder, reject a course which has secured an unexampled prosperity to our country, and the utmost stretch of liberty to ourselves—and turn back and affectionately embrace—hug to our bosoms, as jewels above all price, the barbarous institutions of the dark and benighted despotisms of the old word? Are we to turn a deaf ear to the counsels of our revolutionary sages and receive for our guide the arbitrary decrees of autocrats and tyrants? Sir, is the republican seed, scattered far and wide by our immortal sires, to be eradicated with our own hands—and are we to transplant into our fertile soil the sickly shoots of despotism, and nurse and water and cherish them into health and vigor and fructification? Heaven forbid. Let every man who wishes well to our republican institutions put the seal of his reprobation on this scheme.

I have said that this very "sub-Treasury system" is one of the great means used by the autocrats of Europe for perpetuating their tyrannies. In the hands of a monarch it is an engine of tremendous power. He appoints every officer. They are all absolutely dependent upon him, and are appointed to do his bidding. They are responsible to him alone. They are scattered all over the empire. Every petty district has its officer to receive and hold the revenues of the Government. They have immediate communication with the people. Of course, as the interest of the officer binds him to serve his sovereign, and as there is no one to interfere between them, the money he receives can be used in influencing the people (or subjects as they are there called) in any way desirable. Thus thousands and tens of thousands of these little treasurers are using the money in their respective districts, so as to produce the desired influence on the people. And yet, in a moment, the whole treasure can be collected in one concentrated mass at the nod of the monarch. This is all done silently and secretly. The evil is felt and no one can tell whence it comes. Despotism is upon them, and they have no means to break it.

This system of monarchy, this engine of despotism, is the very one which the bill under consideration proposes to introduce into this country. It will make the power of the President as supreme as that of any autocrat of Europe. You will have a hundred thousand officeholders appointed by the President, holding their office at his pleasure, dependent upon his will for the very bread they eat, and commissioned to do his bidding. Every neighborhood will have within its narrow confines one of these

"sub-treasurers," "to harass the people and eat out their substance." The land will be filled with spies and informers. All the public money, millions on millions, will be in their hands! It will be scattered about among their partisans, become the source of countless demoralizing speculations upon the industry and property of the people, and must inevitably end in concentrating all power in the breast of the Executive. Adopt this scheme, carry out its provisions in all their ramifications, and there will be no salvation for this republic; republican forms may exist, but despotism will be its very life-blood, its pervading spirit.

This scheme will not only increase the number of your officers four-fold, and thus quadruple the taxes of the people, but it will furnish Government with an irresistible means of controlling the popular will. These officers must use the money to promote the views of their masters. They are appointed for that purpose. He who would dare refuse to do their bidding would not only be instantly dismissed, but hunted beyond the pale of national consideration; yes, be denationalized and proscribed by the hireling hacks of party power.

Will any gentleman dare say that these evils are all imaginary? What takes place in one country will, under the same circumstances, take place in another. This system is the one by which despotism perpetuates itself all over the world. Why can it not, why will it not, be used for the same purpose here? Is it for the want of a disposition in our rulers? What takes place among us now? Do not those in power attempt to force the minds of the people to think with them? Do they follow the popular will, or do they make the popular will bend to their decrees? Sir, my honorable colleague [Mr. Sergeant] told a grave truth the other day, when he said that Government carried every thing by a war. It singles out its object, selects its plan, adopts its measures, and then opens its campaign, and, with its countless officeholders, vast treasures, and immense power and patronage, enters the field, marshals all the "faithful" to its standard, shoots as deserters all who fly, and marches onward crushing those who dare oppose!

There was a time in the days of Jefferson—in the good old days of real democracy—when an officer of the Government interfering with the freedom of elections, or attempting to influence the popular will, was instantly dismissed from office. It was the cardinal maxim of the administration of this illustrious man "that an officer who would attempt to use his power and influence to control public opinion should at once lose his office." This was the fundamental law of Jeffersonian democracy. Now, sir, those who claim to be the exclusive democrats of the land have reversed this law. The maxim at present is, "that the officer of the General Government who does *not* use all his power and influence to control the people shall be forthwith dismissed." Hence, sir, we find that it is the officeholders all over the Union who fight the political battles for the adminstration. They *must* do it; they are *bound* to do it; and they *do* do it.

In the election which resulted in sending me as a representative of the people into this hall, the officeholders of the General Government of my own and the neighboring districts were the persons who bore all the heat and labor of the campaign, and did all the speech-making against me. Not only that, sir; but at least one person residing here, in the city of Washington, in this grand seat of Executive power, holding a lucrative situation under the Government, having his sons employed here in Government departments, left his family, travelled one hundred and fifty miles to get into my district, and there mounted the stump, became an open-mouthed brawling advocate of party power, called upon the people to reject me, and come to the support of his master in Washington. Sir, if such scenes are familiar to us now, what will take place when you make four times the number of officers, and place millions and tens of millions of public money in their hands? My heart shudders at the contemplation.

Mr. Chairman, I have shown that this system is the engine of tyranny wherever it exists, and that the example of other nations, urged upon us by its advocates, are all derived from despotism.

They urge another argument in favor of this measure, which consorts in all things with the one just mentioned. They say that the effects of this scheme will be to destroy the whole system of credit. It is true that wherever this "sub-Treasury scheme" exists there is no credit except upon the most narrow and limited scale. Nor is this singular. Recollect that this system prevails only in tyrannies. The absence of credit is one of the grand characteristics of despotism all over the world. Every body must know, or can know if he will, that a well-regulated credit system and despotism never have existed, do not, and cannot exist together. It matters not what the forms of a Government may be; if a system of general credit prevails throughout its whole extent, the heart and spirit of despotism must be crushed and broken.

There is no credit system in Russia, Prussia, Austria, Denmark, Sweden, Spain, Turkey, nor in any other country under heaven, where the people are in chains and wretchedness, misery and degradation. Nor is this all. The converse of the proposition is true. There is no country in which a well-regulated credit system prevails where the people are in bondage. It is a fact, which no man having any respect for truth can deny, that just in proportion as a sound credit prevails in any country, in the same proportion are the people in the enjoyment of happiness and civil and political liberty.

The reason for all this is very obvious. What is credit? It is trust, confidence, belief and faith in the honor and integrity of man. It was the first kind of money, upon which all other money is founded. It existed before paper or letters were dreamed of, and long before the metals, either precious or base, were extracted from the gloomy bowels of the earth.

In the early stages of society, men obtained from each other the product of their labors by barter or exchange. The artizan would exchange his wares for the gain of the husbandman. If he wanted bread and had nothing at the time to give in exchange, the farmer, giving credit to his integrity, would furnish him with bread stuff on his promise to give him his wares in return when convenient. This credit was, therefore, the only money then. It was nothing but confidence of one man in another! In order to get this confidence or credit it was necessary that a man should be honest. Thus it improved the morals of mankind. The more it was used the closer did it unite men in society; because it made men, in a degree, dependent upon one another, and made each individual interested in the welfare of the whole. Thus it encouraged the kindlier sympathies and humanized the human family. When it passed from hand to hand, or in other words, when the farmer passed the promise of the artizan to his neighbor for something that he wanted of him, it became circulating credit or confidence; and as that became widely extended from man to man, it associated together into one family and in one interest the most distant inhabitants of a whole empire.

Thus, sir, it becomes the bond of society. It introduces man to his fellow, and gives mutual confidence. It promotes travel, improves the country, facilitates civilization, develops industry, quickens the mental faculties, expands moral and charitable feelings, unites men together by the gentlest, but strongest of all ties, and teaches them their power. This is the reason why credit and despotism are never found together. It makes men too strong for tyrants! Were it possible to diffuse, at once, throughout all Russia the credit that prevails in this country, the iron

bonds of Russian despotism would be burst asunder as by magic, and the Russian serf, springing at once into the full dignity of freedom, would stand erect and unshackled!

It is the policy of tyrants to keep their subjects apart. They are for weakening the ties that bind them together. They are for disconnecting every man from his neighbor—forcing him to stand isolated and alone; sowing the seeds of jealousy, distrust, and individual disunion, destroying all combinations, and making every one depend alone upon the sovereign power.

This state of things cannot exist with a credit system. Credit gives men one interest, makes them depend upon one another, and combines them into one irresistible whole. Therefore it is that despots are at war with credit. They must keep men apart in savage, barbarous, desolate isolation. The moment a common interest, given by a common understanding and mutual confidence, combines them together, they become irresistible in power; and despotism flies before them. This, sir, is the reason why liberty and credit are found side by side together wherever either of them have an existence. They are never found apart.

Look at all the non-credit countries of Europe. They are all despotisms, every one of them! And what are they doing for man, for civilization, for the spread of free principles? Why nothing, absolutely nothing! There they are in chains and wretchedness, without liberty, without domestic comfort, enveloped in ignorance and barbarism, without even the hope of rational freedom to cheer and brighten up the future.

Now turn your eyes to old England—the credit country of the world, our "father land,"—the land from which most of us derived our blood and our name. Look at her manufactures, her arts, her literature, learning, science, and her civilization, that carries a portion of comfort and liberty into every cottage throughout her island domain; with her fleets on every ocean, her commerce embracing the whole world, diffusing her language, institutions, and free principles to the remotest corners of the earth; overrunning India, filling up New Holland, peopling all the South sea islands, and everywhere planting the standard of civilization, christianity, and civil and political liberty! Whilst other European nations are stationary, England, by her moral power, derived, in a great degree, from her credit system, is producing a moral and political revolution throughout the globe.

Sir, let us recross the Atlantic and turn our attention to America, and see what the people are doing there. Look to Mexico and the South American Governments. That part of the country was first discovered and first peopled. The inhabitants are in possession of inexhaustible mines of the precious metals; hard money is no scarcity there. But they have no credit system, and therefore no confidence in one another. They have no liberty, not even proper notions of liberty. They have no commerce, no agriculture deserving of the name, no navy, no manufactures, no arts, no internal improvements, no literature, no science; but with an abundance of gold, they are benighted, ignorant, miserable, wretched, enslaved, and oppressed, but one degree removed from the brutes around them! Their whole history is but one unmitigated narrative of savage discord, murder, rapine, and bloodshed; mad infuriate revolution, and sanguinary insurrection! These are the people, and these are the institutions that are held up to us for our example!

After this view of the degradation, wretchedness, and slavery of the southern part of America, with what feelings of pride and patriotic exultation can we return to our own proud and happy United States. I will not pretend to speak of her glory, prosperity, and advancement, nor portray the virtue, intelligence, genius, skill, and hardy and adventurous enterprise of her people. Under the influence of her present institutions, she has done, and is now doing, more for her own people, more for the cause of human rights, more for civilization, more for the elevation of morals and of mind, and more for the whole human family, than any other nation that has, or ever had existence.

Now, sir, I appeal to every patriot in this House—I care not by what party name he may be called—I solemnly appeal to every man in the country; I ask you all, are you prepared to abandon the means which have placed yourselves and your country on such high grounds, and adopt in their stead the miserable, unnatural, and wretched policy of the foul, rank, brutal despotisms of the earth? Will you follow in the paths which your fathers have made holy, and which have led to glory, peace, liberty, prosperity, and unbounded comfort—or will you obliterate every trace that they left behind them, shut your eyes against the brightness of the past, destroy every germ of hope as to the future, and follow that rugged and that crooked way which has always terminated in tyranny, degradation, wretchedness, and wo? As for myself, my mind is made up; I am for abiding by what has been tried. I must vote against this bill.

One word more as to credit, and I am done. I know, sir, the evils of credit. I know how it may be, how it is abused. I have ever been a bold and open opponent of its abuses. I have, for years, taken an active stand against the inordinate increase of banks. I have spoken against it. I have written against it. I have petitioned and remonstrated against it. I have done all that a reasonable man could do to limit their number, and check their abuses. Yes, and I have seen the very men who now so bitterly oppose all credit, within six years, double the number of those banks, and more than double the banking capital of the country!

Credit has been abused. But it is no reason why it should be destroyed. The abuse of any thing, is no argument against it. The best of institutions are always those that are abused most. In the name of our holy religion the earth has been deluged with blood, and countless millions have been consumed in the flames of martyrdom. But this is no argument against either the truth, necessity, or value of our religion. Let us, therefore, labor to purge our credit system of its abuses. To destroy it, would be to break down all confidence between man and man, and restore once more the savage, desolating reign of barbarism.

Mr. Chairman, let me beg gentlemen to pause—pause before they pass this bill. It is now nearly six weeks since the commencement of this session; during which time, we have been in this hall night and day. We come at early morning, the day passes away, and the darkness of midnight still finds us here. We have had no time for reading, for thought, reflection, research, or calm and dispassionate examination. Wearied and jaded and worn out with fatigue, the President and his partisans have been hurrying and lashing us into their measures. We have been forced to sit here night and day on purpose to prevent discussion, and to compel us, right or wrong, to sanction the plans of the Executive. We have been openly called upon by the leader of the administration party in the House [Mr. Cambreleng] not to deliberate, discuss, and honestly make up our minds—No, sir, no; but to "toe the mark!" We have invoked gentlemen to rush to the rescue of liberty suffering, of our country bleeding, and our people overwhelmed with distress! Our appeals have been met with but one answer—"toe the mark!" "toe the mark!"

But a few days since I picked up from the floor of this House, a petition of nearly one thousand inhabitants of Mobile, setting forth in eloquent language the accumulated evils and distresses which had borne them down to the earth, and praying as a remedy the establishment of a national specie paying institution by Congress. There was the petition on the floor—trampled upon—spitten upon—blurred and blotted and stained! And at that very moment—yes, at that very moment, an honorable gentleman

from North Carolina, [Mr. Bynum,] was addressing the House and characterizing such petitioners as panic-makers, speculators, and rag-barons! Great Heaven! I exclaimed to myself, can such things be! The petitions of freemen trampled under foot, and the petitioners themselves denounced by their own representatives! I sprung to my feet at the first opportunity; but before my mouth was opened, the honorable gentleman from New Hampshire, [Mr. Cushman,] whose head is said to "blossom and bloom with the previous question," availed himself of his privilege. The previous question was moved—and there could be no reply.

Such, sir, is the mode in which measures have been forced through the House during this session. It is now time to pause. I solemnly believe that the prosperity of the country and the "sub-Treasury system" cannot long exist together. It will check the tide of our advancement. It will endanger our liberties. I call upon gentlemen to pause ere the Rubicon be passed.

Before Mr. Naylor had concluded his remarks, as given entire above, the House took its usual recess till four o'clock.

Evening Session.

The House again resumed the consideration of the sub-Treasury bill.

Mr. ELY MOORE rose and addressed the Chair as follows:

Mr. Chairman, it is with a degree of reluctance that I solicit the indulgence of the committee at this late period of the session. It is well known that, since I have had the honor of a seat in this House, I have troubled it but seldom with remarks of my own. Indeed, I have long considered it neither proper nor respectful in any member of any legislative body to engross the time to be devoted to public business in speech-making, unless the speaker have it in his power to impart some important information, or shed new light on the subject of debate. And here, sir, I feel bound to confess that, were I now to be governed strictly by this rule, I would have refrained from participating in this discussion.

Mr. Chairman, I regret to say that, such is the poor and unprofitable fashion of the times, unless the people's representatives occasionally make long and lusty speeches, they are but too liable to incur the people's displeasure. And for this reason they often deem it expedient to make elaborate speeches on some given subject, that shall, when printed, occupy so many columns of a newspaper, or so many pages of a pamphlet. In order to comply with this requisition, the member is often compelled, especially when the subject does not happen to be a very fruitful one, or the speaker does not chance to possess that kind of creative power which can produce something out of nothing, so to draw out and dilate his ideas, that the reader, should he judge from their texture and gossamer properties, would be liable to conclude, that, like the spider's web, they had been spun rather from the bowels than the brain. The cause of this evil, sir, lies, in a great measure, with the people themselves. The representative, unless he inflicts some half dozen speeches upon the body to which he may belong, in the course of a session—whether called for or not, whether to the purpose or not—returns to his constituents under the apprehension that he will not receive at their hands the gratifying welcome of "well done, good and faithful servant." The political aspirant, therefore, must either make up his mind to swim with the current of public opinion, and speak often, or to remain silent, and sink beneath its waves. And as legislators, like other men, are more or less moved by self-love, pride, and ambition—passions upon which hang the fever of the world, and which stimulate men to action—they are but too liable to consult their own rather than their country's interest, and to embarrass the business of the nation, by making speeches designed for home consumption, and their own political aggrandizement. Sir, I intend no disrespect to the members of this body, nor to the people who send them here. I but speak of a custom which I conceive to be justly obnoxious to censure. I speak of men as I find them, and as they are. I am aware, sir, of the irrelevancy of these remarks, and will not further occupy the time of the committee by pursuing them.

Previously to approaching the subject properly before the committee, I will briefly notice certain remarks of the gentleman from Pennsylvania, [Mr. Naylor,] who has just taken his seat. He has paid high and deserved compliments to the working men of the North—to their intelligence and to their integrity. To these sentiments my heart most cordially responded. He represented himself to be a working man; he professed great regard for the interests of working men; he declaimed most energetically in their behalf; but he uniformly votes against every measure which they advocate. During the present session he has voted for the United States Bank; he has expressed his determination to vote against the bill on your table. But he knows that the working men are opposed to the United States Bank; that they are in favor of the divorce bill, so called; and I feel justified in saying that ninety-nine out of every hundred working men are favorable to this bill. Sir, the relation in which I stand to the laboring classes enables me to judge of their views on this subject. I am in daily correspondence with working men in different parts of the Union, and I know that a unanimity of opinion and of sentiment in its favor prevails among them. Sir, I cannot conceive how the honorable gentleman can reconcile his professions with his practice. If he knows the feelings and the opinions of the working men, as he ought to know them; and if he estimates their intelligence and their integrity as he professes to estimate them; why then does he go counter to their views and to their will? Sir, the laboring classes have had too many such advocates! They have been too often flattered and betrayed by politicians! Too often deceived by those who caressed and bepraised them! But, sir, the gentleman from Pennsylvania, not content with eulogizing the laboring men of the North, has made a false issue with the gentleman from South Carolina, [Mr. Pickens,] by misrepresenting his views. Sir, what was the position taken by the gentleman from South Carolina? I understood him to say that the incorporated monopolies of the North were inimical to the interests and the liberties of the laboring classes; were calculated to abridge their natural and political freedom, and to subject them to a moneyed aristocracy; and, for the expression of these sentiments, the gentleman from Pennsylvania has thought proper to rebuke him. But let me tell the gentleman from Pennsylvania, that the laboring classes of the North are apprehensive of the very evils so ably depicted by the gentleman from South Carolina. Look at their organs; consult their papers; and you will find that exclusive legislation—that the grants of chartered monopolies—are regarded by them as hostile to their interests and dangerous to their liberties. And did not the gentleman from Pennsylvania, previous to his election, and during the canvass, did not he intimate his opposition to these very moneyed monopolies, now dignified by him under the title of institutions? And how has he answered the expectations which he created by his professions? By voting for a United States Bank! By opposing the bill which proposes to disconnect bank and State! In a word, by warring with all the principles and opposing all the wishes of the laboring classes! "If such be thy gods, O! Israel! wo! wo! to those who bow before them!"

I now, sir, feel constrained to notice, briefly, some remarks which were made yesterday by my honorable and much respected colleague, [Mr. Hoffman,] while addressing this committee on the bill under consideration. I understood him to say, sir, that the present Chief Magistrate is,

in a great degree, indebted to the influence of the banks for his political elevation. Sir, I deny the correctness of this assertion. I am satisfied that Martin Van Buren owes his elevation to his own merits, and to the unbought suffrages of a majority of the American people. But, sir, if my colleague represents this matter truly, and the election of Mr. Van Buren to the Presidency was achieved through bank officers or bank influence, what an important lesson does it teach us? And how forcibly does it illustrate the dangers of the banking system? If banks band together in one political contest, they may in another. If they unite their energies in behalf of one individual, they also may unite in behalf of another, without any regard to his merits, his virtues, or his qualifications, provided he will lend himself to their interests. This is a fruitful theme, but I will not pursue it at present. I now turn to the subject of political changes, on which my colleague has said so much. If I mistake not, he took occasion to rebuke the chairman of the Committee of Ways and Means for certain alleged political somersets, which he is said to have made some few years since. My friend over the way [Mr. CAMBRELENG] is fully competent to defend himself from the charge, and I shall, therefore, leave this part of the subject in his hands. On the general topic of political changes, my colleague [Mr. HOFFMAN] has all the advantages over me which practice and experience can give. It would, therefore, be manifestly imprudent for me to enter the lists with so old and so experienced a tactician in this branch of political science. Did I desire instruction on this subject, my colleague would be the very first man to whom I would apply. He should be my preceptor above all others; for I am satisfied that none can be better qualified than himself, to descant on the facility with which political changes can be made; none have the power to speak more feelingly and understandingly on the subject. It was but a short time since, sir, when my colleague and myself stood foremost in the ranks of the democracy; when the old wigwam resounded with our respective voices; when we advocated the same measures and the same men; when we sang the same political hosannahs, and worshipped at the same political altar. But, sir, that time has passed; and my colleague, instead of joining with me in the old rallying cry, chooses to lift up his musical voice in a political palinode; and we now find ourselves planted foot to foot as political opponents, instead of standing shoulder to shoulder, as political associates, as we were wont to stand. In the course of his remarks, my colleague discoursed right eloquently on the calamities of the times and on the sufferings of the people. But on this topic he is not singular nor alone. All his whig brethren have strenuously emulated each other in their extraordinary professions of peculiar love for the patient people. When I reflect on the wonderful solicitude manifested by the members of the opposition for the welfare of the nation, I cannot withhold an expression of admiration at the patriotic and benevolent spirit which pervades and warms and expands their benevolent bosoms.

We have heard gentlemen from the East and the West, from the North and the South, mingling their notes of lamentations over the sufferings of the unfortunate wherever found. Every fibre of their heads and hearts, every feeling of their souls and bodies, appears to be attuned to benevolence, and to vibrate with deepest sympathy at the calamities which they assure us have befallen our common country. Sir, these are honorable feelings, and highly creditable to human nature. Patriotism so exalted, philanthropy so generous, sympathy so sincere, benevolence so pure, holy, and disinterested, cannot fail to challenge our warmest admiration. When we hear men sincerely deplore the misfortunes of their fellows, we cannot but admire, honor, and respect them. But how are these feelings of respect and admiration strengthened and augmented when we behold them exerting their utmost energies in behalf of the unfortunate; when we see them promptly and eagerly rushing to the rescue?

And, sir, here I must be permitted to intimate to my political opponents, that in order firmly to establish their characters for superior patriotism and philanthropy, it will be necessary for them to act as well as to feel. If you know the remedy, gentlemen, and apply it not, the sincerity of your professions may be doubted. The uncharitable may surmise that party is your object, and public good the scape-goat. Sir, what would we think of the patriotism of the man who was able, but unwilling, to succor his country in the hour of her extremity? Or what would we say of the benevolence of a physician who refused to administer to his sick and dying patient the remedies which he knew would restore him to life, health, and vigor? And are not gentlemen aware that, after having so constantly, so earnestly, and so eloquently, bewailed the fallen fortunes of their country, they will naturally be looked to by that country with anxious, shuddering solicitude for the remedies competent to heal the deep disease, which we are told is preying upon its vitals? Are they not aware that their benevolence will be questioned, and their sincerity doubted, even by the confiding and the faithful?

But, sir, we have been told that the friends of the administration have the power, and that the responsibility rests with them! Sir, what are we to understand by this? Is it meant to be insinuated that the administration party in this House have the power to relieve the distresses of this country, but that they have not the will to exercise it? Is it meant to be affirmed that the dominant party are so utterly destitute of feeling and of patriotism as willingly and intentionally to withhold the aid which they might rightfully and constitutionally extend to the people? Is it their intention to represent us to the American people in so odious and offensive a light? Sir, I am aware that the gentlemen in the opposition have long claimed all the wisdom, and all the worth, and all the decency; but I did not suppose, until now, that they also claimed all the patriotism, and all the benevolence, and all the sympathy.

For one, sir, I protest against such unwarrantable and unfounded pretensions. I am clearly against this additional monopoly. If the gentlemen really possess all the charity and benevolence which they claim, I trust that they will not be inexorable towards us; that they will not thrust us beyond the pale of humanity; that they will not strip us of all the common attributes of civilized men, nor paint us as savages or brutes, by representing us to be deaf or indifferent to the voice of distress. Why should we be thus treated as guilty of the grossest injustice—of the most flagrant inhumanity? If the gentlemen of the opposition do not consider adequate the means of relief proposed by the Executive, let them suggest such as will be effective, and, my life on it, if these means shall be just, proper, and constitutional, the friends of the administration will cheerfully yield them their most cordial and hearty support. We confess that we know no other remedies for the ills complained of than those we have already suggested. And if the gentlemen in the opposition have it in their power, as they would have us and the country believe, of proposing an efficacious and constitutional remedy, for heaven's sake let them tell us what it is! If there be a balm in Gilead—if there be a physician there—let him administer the balm to our afflicted country. Do not, I beseech you, gentlemen, do not any longer keep secret your political catholicon, like quack physicians; but, like good and true patriots, make it publicly known, that it may be employed for the healing of the nation.

My colleague has pronounced the sub-Treasury system unconstitutional, but did not attempt to prove it so. Now, sir, by way of a set-off, I pronounce unconstitutional the substitute of my colleague—a national bank; and so I shall endeavor to prove it by calm and dispassionate argument.

A national bank being the principal antagonist measure to the bill under discussion, I shall confine my remarks principally to that subject; and, as this is the only point that has not been fully and thoroughly discussed in the progress of this debate, there will be the greater propriety in this course. I shall, therefore, attempt to argue at length this part of the subject.

I can find no authority in the constitution for granting charters of incorporation, of whatever name, kind, or description; and no honorable gentleman, I presume, will hazard the declaration that such power is directly given to Congress by the constitution. The most hardy and reckless advocates of a national bank have never ventured to affirm that such power was specific and direct; that the warrant was express. They all resort to the doctrine of implication and construction. Sir, let us examine this doctrine; let us take up the constitution in a spirit of honesty and soberness, and see what clause of that instrument, if any, vests in Congress even an implied power to incorporate a national bank.

Sir, I am aware of the vastness of the subject which I propose to examine. I am aware that the constitutionality of a national bank has been repeatedly discussed by the most eminent jurists and statesmen of the nation. And I am also aware that an attempt, on my part, to grapple with a subject of such magnitude, and under such circumstances, will be attributed by many to a want of discretion, if not to a culpable vanity. Be it so. I conceive it to be my duty—I know it to be my right—to express my views fully on this subject; and, although I may be unable to shed any additional light on this long agitated and vexatious question, yet I will, nevertheless, state the arguments and considerations which exert a controlling influence on my judgment. Permit me, then, sir, to call, for a moment, the attention of the committee to the peculiar character of our Government. It is conceded by all parties, I believe, to be a Government of limited and specified powers; which powers are expressly prescribed by the constitution. To the constitution, then, and to the constitution alone, must Congress look for all and every power they would exercise. Unless, therefore, the power to grant charters of incorporation be expressly granted by the constitution, the exercise of such power, on the part of Congress, would be a violation of that instrument. But, say gentlemen, although we do not pretend to assert that the power to incorporate is given in direct terms to Congress by the constitution, we contend, nevertheless, that such power is derived by fair and legitimate construction. But, when the advocates of this doctrine have been called upon to designate the clause of the constitution which confers on Congress the power to incorporate a bank, they have been sadly puzzled to comply with the requisition, but have wandered and wandered from article to article, and from clause to clause, seeking in vain for authority. When driven from one position they flee to another; ever vacillating; never fixed in their views; never satisfied with their own, nor with each others' arguments. No unity of opinion prevails among them as to the particular clause in the constitution, where this doctrine of construction and implication, authorizing acts of incorporation, is to be found; but, like certain deluded ones of old, one cries, lo! it is here; and another, lo! it is there; when, as was the case with the asses of Kish, it happens to be "nowhere." But, sir, let us examine those parts of the constitution where this power is said to reside. Some have attempted to locate it in the first article of the eighth section of the constitution, which gives Congress the power "to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare of the United States." The power to "lay and collect taxes" and to "pay the debts of the United States;" in other words, the power to raise and appropriate money, and the power to grant charters of incorporation, I believe never have been, and I presume never will be, regarded as synonymous, even by the most desperate "constructionists." Those, therefore, who pretend to find authority to grant charters of incorporation in the article under consideration, must look for it in the words "common defence and general welfare." And it is from these words that some pretend to derive the power to incorporate a national bank. Can those who have contended for this construction have considered well of the consequences which must inevitably follow from an exercise of such implied powers? Have they reflected that, by giving to these words the construction they contend for, they render the enumerated powers of the constitution nugatory; that they virtually annul the powers reserved to the State Governments; break down all the constitutional guards designed to protect the rights of the States and of the people, and make the constitution itself, in the hands of Congress, what clay would be in the hands of the potter? And, lastly, have they considered that this doctrine is flatly contradicted by the tenth amendment to the constitution, which expressly declares that "the powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people?" General Hamilton, latitudinarian as he was on the subject of construction, had too much regard for his reputation to give to the words "to provide for the common defence and general welfare," a construction that would confer on Congress powers not enumerated in the constitution. By reference to his report on manufactures, it will be found that he confines, in every instance, the application of these words to the power given by the first sentence of the clause; and, in this particular, Mr. Jefferson agrees with him. The latter, in adverting to this subject, calls it "a grammatical quibble, which has countenanced the General Government in a claim of universal power. For," continues he, "in the phrase to lay taxes, to pay the debts, and provide for the general welfare, it is a mere question of syntax, whether the two last infinitives are governed by the first, or are distinct and coordinate powers; a question unequivocally decided by the exact definition of powers immediately following." Sir, I conceive that the clause of the constitution under consideration admits of but two constructions—the one limiting the powers of Congress, as contended by General Hamilton and Mr. Jefferson; the other conferring on Congress powers incompatible with the spirit, and utterly subversive of all the express powers of the constitution—powers independent of, and paramount to, the constitution itself—powers indefinite, boundless, omnipotent. If the latter construction be admitted, the will of Congress, and not the constitution, is the law of the land. Or if, peradventure, Congress should think it expedient to revert to the constitution at all, it would only be necessary to refer to that part of it containing the cabalistic words "common defence and general welfare." And as these words, according to certain commentators, convey a plenary power on all subjects, and are applicable to all cases that come within the jurisdiction of the national legislature, it would be quite unnecessary to look further. This would be economical, withal, saving much precious time to the people's representatives, which otherwise might be squandered in wandering about the constitutional kingdom in search (as well search for the lost pleiad) of the enumerated powers, which, unfortunately, have been swallowed up by the implied powers discovered in the words "common defence and general welfare." Let us suppose the doctrine here combated to be established and carried out into practical legislation. Congress is applied to by a number of influential individuals for an act of incorporation, granting to them and to their successors and assigns forever, the sole and exclusive right, extending to all the States in the Union, of smelting iron ore with anthracite coal, and of manufacturing the same. The memo-

rialists set forth in their petition the immense benefits that would result to the nation from their contemplated enterprise. They dwell upon the advantages incident to associated capital, and concentrated wisdom and industry. They represent that the mining interest of the country would be benefited in proportion to the extent of the monopoly—inasmuch as the products of the iron and coal mines would ever find a ready market at the company's works; that the public in general would be enabled to obtain the manufactured articles at a much cheaper rate and of a better quality; and that, in time of war, arms and ordnance could be furnished with greater facility, and of superior temper and calibre. The States, notwithstanding all these plausible representations, remonstrate—individuals remonstrate. The States urge that the grant would be a violation of their reserved rights, and the principle upon which the Union was founded, and demand of Congress the source whence the power is derived to grant such a charter of incorporation. Congress very complacently point them to the potent words "common defence and general welfare," and the thing is settled. Individuals represent that an equality of civil and political rights constitute the basis of purely democratical Governments; that none but equal laws can legitimately flow from the principle of equal rights; and that all laws which invade that principle conflict with the spirit of our institutions, and are, to all intents and purposes, legislative frauds upon the rights of the people; and, consequently, utterly destitute of constitutional sanction. They further show, that an exercise of power such as asked for by the petitioners, would confer exclusive privileges and legislative favors—infringe on their natural and political rights—violate the sacred principles of justice and political equality, and, for this reason, be clearly unconstitutional. But Congress, regardless of the truth and propriety of these representations, grant the charter of incorporation, and, when called upon to show their constitutional right to do so, triumphantly refer to the magical words "common defence and general welfare," and there the matter ends. I have put this case for the purpose of illustrating the evils consequent upon an assumption of power, such as contended for by those who maintain that the clause we have been examining authorizes Congress to establish a federal bank. And, as legislators are as much subject to infirmities as other men, and the world not having, as yet, approached that desirable state of which Plato dreamed—"the perfectibility of man"—it is not only possible, but very probable, that cases of this kind might frequently happen. Nor can those who contend for the principle which merges all power in the words "common defence and general welfare," or, what amounts to the same thing, in the will of Congress, object to any case coming within that principle, however dangerous and pernicious in its consequences. As this clause of the constitution has been, and is still much relied on by the advocates of a United States bank, I will take the liberty of introducing such authority in opposition to their views, as will, I trust, have weight, both with this House and the nation. The fourth resolution passed by the General Assembly of Virginia, in December, 1798, reads as follows:

"That the General Assembly doth also express its deep regret, that a spirit has in sundry instances been manifested by the Federal Government, to enlarge its powers by forced constructions of the constitutional charter which defines them; and that indications have appeared of a design to expound certain general phrases (which, having been copied from the very limited grant of powers in the former articles of confederation, were the less liable to be misconstrued) so as to destroy the meaning and effect of the particular enumeration which necessarily explains and limits the general phrases; and so as to consolidate the States, by degrees, into one sovereignty; the obvious tendency and inevitable result of which would be to transform the present republican system of the United States into an absolute, or at best a mixed monarchy."

Mr. Madison, in his report commenting on this resolution, observes:

"The *first* question here to be considered is, whether a spirit has in sundry instances been manifested by the Federal Government to enlarge its powers by forced constructions of the constitutional charter.

"The General Assembly having declared their opinion merely by regretting, in general terms, that forced constructions for enlarging the federal powers have taken place, it does not appear to the committee necessary to go into a specification of every instance to which the resolution may allude. The alien and sedition acts, being particularly named in a succeeding resolution, are of course to be understood as included in the allusion. Omitting others which have less occupied public attention, or been less extensively regarded as unconstitutional, the resolution may be presumed to refer particularly to the bank law, which, from the circumstances of its passage, as well as the latitude of construction on which it is founded, strikes the attention with singular force; and the carriage tax, distinguished also by circumstances in its history, having a similar tendency." * * * *

"1. The general phrases here meant must be those 'of providing for the common defence and general welfare.'

"In the 'Articles of Confederation,' the phrases are used as follows, in article 8: 'All charges of war, and all other expenses that shall be incurred for the common defence and general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in Congress assembled, shall from time to time direct and appoint.'

"In the existing constitution, they make the following part of sec. 8: 'The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare of the United States.'

"This similarity in the use of these phrases in the two great federal charters, might well be considered as rendering their meaning less liable to be misconstrued in the latter; because it will scarcely be said that, in the former, they were ever understood to be either a general grant of power, or to authorize the requisition or application of money by the old Congress to the common defence and general welfare, except in cases afterwards enumerated, which explained and limited their meaning; and if such was the limited meaning attached to these phrases in the very instrument revised and remodelled by the present constitution, it can never be supposed that, when copied into this constitution, a different meaning ought to be attached to them.

"That, notwithstanding this remarkable security against misconstruction, a design has been indicated to expound these phrases in the constitution so as to destroy the effect of the particular enumeration of powers by which it explains and limits them, must have fallen under the observation of those who have attended to the course of public transactions. Not to multiply proofs on this subject, it will suffice to refer to the debates of the federal legislature, in which arguments have on different occasions, been drawn, with apparent effect, from these phrases, in their indefinite meaning."—*Elliot's Debates, vol. 4, pp. 577—8.*

Again, the same distinguished personage, in a letter to Mr. Stevenson, dated November 27, 1830, in which he examines the origin and progress of the clause under consideration, remarks:

"A special provision could not have been necessary for the debts of the new Congress; for a power to pro-

vide money, and a power to perform certain acts, of which money is the ordinary and appropriate means, must, of course, carry with them a power to pay the expense of performing the acts. Nor was any special provision for debts proposed, till the case of the revolutionary debts was brought into view; and it is a fair presumption, from the course of the varied propositions which have been noticed, that, but for the old debts, and their association with the terms 'common defence and general welfare,' the clause would have remained, as reported in the first draft of the constitution, expressing generally 'a power in Congress to lay and collect taxes, duties, imposts, and excises,' without any addition of the phrase 'to provide for the common defence and general welfare.' With this addition, indeed, the language of the clause being in conformity with that of the clause in the articles of confederation, it would be qualified, as in those articles, by the specification of powers subjoined to it. But there is sufficient reason to suppose that the terms in question would not have been introduced, but for the introduction of the old debts, with which they happened to stand in a familiar, though inoperative relation. Thus introduced, however, they pass undisturbed through the subsequent stages of the constitution.

"If it be asked why the terms 'common defence and general welfare,' if not meant to convey the comprehensive power, which, taken literally, they express, were not qualified and explained by some reference to the particular power subjoined, the answer is at hand, that although it might easily have been done, and experience shows it might be well if it had been done, yet the omission is accounted for by an inattention to the phraseology, occasioned, doubtless, by the identity with the harmless character attached to it in the instrument from which it was borrowed.

"But may it not be asked, with infinitely more propriety, and without the possibility of a satisfactory answer, why, if the terms were meant to embrace not only all the powers particularly expressed, but the indefinite power which has been claimed under them, the intention was not so declared; why, on that supposition, so much critical labor was employed in enumerating the particular powers, and in defining and limiting their extent?

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"The obvious conclusion to which we are brought is, that these terms, copied from the articles of confederation, were regarded in the new, as in the old instrument, merely as general terms, explained and limited by the subjoined specifications, and therefore requiring no critical attention or studied precaution.

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"Mr. Wilson, justly distinguished for his intellectual powers, being deeply impressed with the importance of a bank at such a crisis, published a small pamphlet, entitled 'Considerations on the Bank of North America,' in which he endeavored to derive the power from the nature of the Union in which the colonies were declared and became independent States; and also from the tenor of the 'articles of confederation' themselves. But what is particularly worthy of notice is, that, with all his anxious search in those articles for such a power, he never glanced at the terms 'common defence and general welfare,' as a source of it."—*Elliot's Debates, vol. 4, pp. 646-'7.*

And here, sir, I think I may safely rest this part of the subject.

The second paragraph of the 8th section of the constitution, which vests in Congress the power "to borrow money on the credit of the United States," has also been appealed to by the friends of a national bank. But as nothing like an argument has ever been adduced in support of this position, as it rests upon mere conjecture, without the shadow of authority to support it, and as a bill to charter a bank is not a bill to borrow money, I will not trouble the committee with any further remarks on this point, but proceed to examine the third paragraph of the 8th section of the constitution, which gives Congress the power "to regulate commerce with foreign nations, among the several States, and with the Indian tribes." This clause has been appealed to by the advocates of internal improvements, as authorizing Congress to construct roads and canals, &c.; it has also been appealed to by the friends of the tariff system, as vesting in Congress an implied power to protect our domestic manufactures; and, lastly, it has been appealed to as authorizing Congress to establish a United States bank. Now, sir, in my humble opinion, the power to regulate commerce does not include the power to make internal improvements of the character just noticed—to protect manufactures by imposing a tariff—nor to establish a national bank. Neither the clause immediately under consideration, nor any other found in the constitution, authorizes Congress, in my judgment, to do either of those three things. Sir, is it meant to be affirmed that the power to "regulate commerce," includes the power to regulate the currency of the several States? If so, then is Congress authorized, under the power to "regulate commerce," to regulate the issues of all the State banks; for these constitute the principal currency of the country. On the other hand, if it be meant that Congress have not the power, under this clause of the constitution, to regulate the currency, how can it be said that Congress are thereby authorized to charter a bank for the purpose of regulating commerce, when the only object of a national bank, as we are told, is to regulate and equalize the exchanges and currency of the country? Again: If the power "to regulate commerce" includes the power to incorporate a bank, why may it not also include the power to grant charters of incorporation for other purposes? Why not authorize Congress to incorporate companies for objects of internal improvements—for manufactures—or, what would appear to be rather more congenial, for ordinary commercial purposes? If Congress can, by this clause of the constitution, authorize one set of men, under an act of incorporation, to deal in bank paper, they possess equally the power to authorize another set to deal in silks and satins, calicoes and ginghams. Nor can this position be controverted. The stockholders and agents of a bank are as much traffickers and dealers in paper money, which is a species of commercial commodity, as merchants are in broadcloths and cassimeres. If an act of incorporation, therefore, can be claimed in the one case, as a proper and necessary means to "regulate commerce," it unquestionably can in the other. But the clause in question confers no such power. The power to "regulate commerce," and the power to grant charters of incorporation, are separate and distinct. The former is conferred by the constitution, the latter is not. Sir, what was the nature of the power which the framers of the constitution intended to confer on Congress by this clause? Evidently, to authorize Congress to prescribe or establish certain rules by which commerce should be governed. But will it be pretended that the authors of the constitution meant that this power, which they vested in Congress alone, should be transferred by Congress to an incorporated company? That a chartered company should possess the exclusive power of regulating the commercial interests of the nation—of prescribing rules for its Government—of determining the principles on which it should be conducted, and thus place one of the great interests of the country beyond legislative and constitutional control? No one, I presume, will say, in direct terms, that such was the intention of the framers of the constitution; and yet such is the inevitable result to which the doctrine of construction here combated leads. If such rules of construction prevail, it will be impossible to define the limits of the power of the Federal Government under the clause "Congress shall have power to regulate com-

merce," &c. I will conclude my remarks on this clause, by reading from Mr. Jefferson's official opinion on the constitutionality of a United States bank, the following extract:

"To erect a bank, and to regulate commerce, are very different acts. He who erects a bank creates a subject of commerce in its bills; so does he who makes a bushel of wheat, or digs a dollar out of the mines. Yet neither of these persons regulate commerce thereby. To make a thing which may be bought and sold, is not to prescribe regulations for buying and selling. Besides, if this were an exercise of the power of regulating commerce, it would be void, as extending as much to the internal commerce of every State, as to its external. For the power given to Congress by the constitution does not extend to the internal regulation of the commerce of a State, (that is to say, of the commerce between citizen and citizen,) which remains exclusively with its own Legislature; but to its external commerce only, that is to say, its commerce with another State, or with foreign nations, or with Indian tribes. Accordingly, the bill does not propose the measure as a 'regulation of trade,' but as 'productive of considerable advantage to trade.'"

Some have attempted to locate the power to incorporate a national bank—Mr. McDuffie, for example, in his report of 1830, as chairman of the Committee of Ways and Means—on the fifth article of the eighth section of the constitution, which gives Congress the power "to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures."

"The power to 'coin money, and fix the value thereof,' is expressly and exclusively vested in Congres. This grant was evidently intended to invest Congress with the power of regulating the circulating medium. 'Coin' was regarded, at the period of framing the constitution, as synonymous with 'currency,' as it was then generally believed that bank notes could only be maintained in circulation by being the true representative of the precious metals. The word 'coin,' therefore, must be regarded as a particular term, standing as the representative of a general idea."

Now, sir, if "coin and currency are synonymous," signifying the same thing; if coin be currency and currency coin, Congress is vested with the power "to coin money, regulate the value thereof, and of foreign currency." According to this reading, Congress is authorized, not only to regulate the currency of this country, which consists principally of bank notes, but also the currency of other nations, whatever symbols of industry they may select as mediums of exchange. The chairman of the Committee of Ways and Means appears to have been as much at fault in his knowledge of the currency, properly considered, as of the character and powers of the constitution; otherwise he would not have confounded bank notes with coin—the pretended representative with the thing represented. I say the pretended representative, because the amount of paper money afloat, exceeds at least five times the amount of specie wherewith to redeem it. It is not, therefore, strictly speaking, a representative of coin or real money. It has become rather an instrument of speculation, than a measure or representative of value. The currency of a country, in order to be sound, as every political economist knows, ought to be equal to the precious metals, or to consist of the metals themselves. But the paper currency of this country is, and was, even during the existence of the late United States Bank, but the mere supposititious representative of property. That paper money can never become a proper standard of value, is evident from the fact that it is constantly liable to fluctuation, depreciation, expansion, and contraction. And would it be doing justice to the framers of the constitution—to their sagacity and integrity—so to construe that instrument, or any part thereof, as to authorize Congress to make paper credit, of whatever kind or description, a standard of value? The only standard or measure of value known to the constitution is gold and silver; a standard, by the way, which has been recognised and adopted from the earliest ages, by all civilized nations throughout the world. If Congress are authorized to incorporate a company, which shall possess the independent and sovereign right to coin or manufacture money, and regulate the value thereof, why may they not also invest such corporations with power to control the commerce of the country in all such exchangeable articles or commodities that may properly come under the standard of weights and measures? Why not go still farther—for if Congress can delegate to a corporation this prime attribute of sovereignty, the establishment of a standard of value—why not, I say, extend it to every other specified power of the constitution? For I repeat it, if Congress have the power, under this or any other clause of the constitution, to delegate to a corporation of its own creating any one of the enumerated powers, they may, with equal propriety, delegate to it every other power. Let Congress recognise this construction, and what would be the consequence? Sir, we should no longer be a nation of freemen, living under a free constitution; but the slaves of soulless corporations. An independent and irresponsible power would be established in the land; the restraints and limitations imposed upon Congress by the constitution would be overthrown; and the foundations of your Government not only rocked, but riven.

Sir, let us examine a little further the extraordinary argument urged by Mr. McDuffie in support of his most extraordinary position. "Coin," says he, "was regarded, at the period of framing the constitution, as synonymous with currency, as it was then generally believed that bank notes could only be maintained in circulation by being the true representatives of the precious metals." What, sir! coin and currency—coin and paper money—coin and bank notes regarded as one and the same thing, as synonymous, at the time of framing the constitution! What! "generally believed at that period," that paper money was "the true representative of the precious metals!" Sir, does not the whole history of that period contradict these reckless and unfounded assertions? I appeal to the historical recollections of every gentleman on this floor, if it does not. Is it not notorious that the framers of the constitution were emphatically hard-money men? Is it not notorious that gold and silver are the only currency recognised by the constitution? Is it not known to all, that Congress have no power, under the constitution, to authorize any individual, company, or corporation, to issue federal paper money? Every part of the constitution which relates to the subject of money is clear, explicit, and unequivocal. The intention of the framers of the constitution, on this subject, is not only made manifest by the letter of the constitution itself, but also by a law passed immediately after the meeting of the first Congress under the constitution, which defines the kind of money to be received by the federal Treasury. This law provides, "that the fees and duties payable to the Government, shall be received in gold and silver only." This statute, be it remembered, was passed within one month after Congress had assembled. And, again, the law in reference to that part of the revenue accruing from the sale of the public lands, passed in 1800, declares that specie and evidences of the public debt, shall alone be received in payment of such lands. These two acts relating to the subject of the federal revenue, passed immediately after the adoption of the constitution, ought and must be regarded as unerring interpreters of that instrument, so far as the point immediately under consideration is concerned. If the members of the first Congress regarded paper money and "coin" as synonymous, why did they enact that gold and silver coin only should be received in payment of the federal revenue? If they even

considered paper money, or bank notes, as synonymous with coin, as contended by Mr. McDuffie, they appeared, at all events, to discriminate between paper coin and gold and silver coin, by making the latter only receivable in payment of the public dues. So that "gold and silver coin," and not paper coin, appear to be the only currency known to the constitution; or to the laws of Congress which define the kind of currency to be received in payment of the federal revenues.

I would now call the attention of the committee, for a few moments, to the last paragraph of the 8th section of the constitution: "To make all laws which shall be necessary and proper to carry into effect the foregoing powers." It will not be pretended, I apprehend, that this clause vests in Congress any new substantive power; or that it in anywise supersedes or invalidates any one of the enumerated powers. This position would be too extravagant—too monstrous, for even modern sophists to take. It will, I trust, be conceded, that the powers comprehended in this clause are subordinate and incidental in their nature, merely conferring on Congress the right to exercise such means as shall be strictly necessary and proper to execute the express powers; or, without which, the powers expressly granted cannot be carried into effect. This point yielded, as yielded it must be, the question arises, whether a national bank be a necessary and proper means to carry into effect any of the specified powers? In order to show that it is necessary, essential, indispensable, it must be made to appear that the enumerated powers cannot be carried into effect independent of a national bank. Experience has demonstrated that they can, one and all. And, in the second place, in order to prove that a national bank is a proper means, it must be shown that the power to create it is an incidental and not a substantive power; which, I apprehend, cannot be done. No, sir, it cannot be shown that the power to grant charters of incorporation, is merely an incidental or subsidiary power. Among all the powers enumerated in the constitution, I defy gentlemen to designate a solitary one that is capable of being wielded with more potent effect; not for good, but for evil. If Congress possess the power to grant a charter of incorporation, in their national capacity, in one case, they do in another. If they possess it at all, they possess it without limit, and can extend it, whenever they think proper, to any and every object whatever; whether it be in derogation of State and individual rights, to a Mississippi land monopoly, to a monopoly of the trade of the Indies, or to the cod and whale fisheries. Sir, what is the distinguishing characteristics of incorporations? They are essentially aristocratic in their nature; being invested with exclusive privileges—privileges withheld from the rest of society. They are allowed to purchase and hold real estate; which the United States themselves cannot do without obtaining the consent of the States. They are allowed to hold property in *mortmain*, and are capable of being so organized or constituted as to change the course of descent in the several States; I mean where their corporate character is concerned. Nor is this all: so sacred are their rights held, and so carefully guarded are they by the legislature and judiciary, that they cannot be reached by law without permission on their parts; nay, more, they are even placed beyond the control of future legislatures—at least, such is the opinion of some. And yet we are told that a power to incorporate—a power of such great and fearful magnitude, and capable of producing so much mischief—is, after all, a mere incident of a power! Think you, sir, that if the members of the convention who framed the constitution had considered a national bank either a proper or necessary means to carry into effect any of the enumerated powers of the constitution, that they would have rejected a direct proposition to establish a bank, or refused to invest Congress with power to grant charters of incorporation, of whatever description? Is it probable that wise and patriotic men would have acted so inconsistently—so absurdly? "It is known," says Mr. Jefferson, "that the very power now proposed as a means, was rejected as an end, by the convention which framed the constitution." "A proposition," he adds, "was made to them to authorize Congress to open canals, and an amendatory one to empower them to incorporate. But the whole was rejected; and one of the reasons of rejection urged in debate was, that they then would have power to erect a bank." Here, then, sir, is authority not to be questioned, not to be controverted, that the power to erect a bank, "proposed as a means, was rejected as an end," by the very authors of the constitution itself. The fact, therefore, that the framers of the constitution deliberately and designedly withheld from Congress the power to incorporate a bank, utterly excludes the idea that such power was intended to be granted, either expressly or incidentally, specifically or impliedly. To contend that a power, intentionally withheld from Congress by the framers of the constitution, can be rightfully exercised by Congress, is to outrage common sense, and all approved rules of construction. Let the principle be once established, that neither the express letter of an instrument, nor the evident intention of its author or authors, is to be taken as evidence of its meaning, and all written constitutions, contracts, laws, and charters, become a dead letter. I would entreat gentlemen to consider well before they give further countenance to such doctrines. I would respectfully remind them, that, by disregarding the express provisions of the constitution, and the evident intention of its framers, and resorting to construction and implication alone for authority, they will eventually raise up a monument of folly, which, if not as impious, will create as much confusion as that which towered on Shinar's plain. Let it not be supposed, however, that I would deny the existence of all implied powers. I am aware, sir, that the convention, in framing the constitution, marked out and enumerated the principal ends of Government, without particularizing all the means by which these ends were to be secured. A discretionary power, to a certain extent, must necessarily be left with Congress. The constitution, for example, has vested in Congress the power to raise and support armies. But at what time armies are to be raised, to what extent, and for what cause this power is to be exercised, it has necessarily left to be determined by the national legislature. Many other cases might be cited, where the means necessary to carry into effect the enumerated powers are left to the selection of Congress. But the mean, or incidental power, ought, in all cases, to bear a due relationship to the specified power. It was well remarked by a distinguished Senator (Mr. CLAY) in debate, that:

"In all cases where incidental powers are acted upon, the principal and incidental ought to be congenial with each other, and partake of a common nature. The incidental power ought to be strictly subordinate, and limited to the end proposed to be attained by the specified power. In other words, under the name of accomplishing one object which is specified, the power implied ought not to be made to embrace other objects, which are not specified in the constitution. If, then, you could establish a bank to collect and distribute the revenue, it ought to be expressly restricted to the purpose of such collection and distribution.

"I contend that the States have the exclusive power to regulate contracts, to declare the capacities and incapacities to contract, and to provide as to the extent of responsibility of debtors to their creditors. If Congress have the power to erect an artificial body, and say it shall be endowed with the attributes of an individual—if you can bestow on this object of your own creation the ability to contract, may you not, in contravention of State rights, confer upon slaves, infants, and femes coverte, the ability to con-

tract? And if you have the power to say that an association of individuals shall be responsible for their debts only in a certain limited degree, what is to prevent an extension of a similar exemption to individuals? Where is the limitation upon this power to set up corporations? You establish one in the heart of a State, the basis of whose capital is money. You may erect others, whose capital shall consist of land, slaves, and personal estates, and thus the whole property within the jurisdiction of a State might be absorbed by these political bodies. The existing bank contends, that it is beyond the power of a State to tax it; and if this pretension be well founded, it is in the power of Congress, by chartering companies, to dry up all the sources of State revenue."

Yes, sir, the honorable Senator was right, when he said that the incidental power ought to be strictly subordinate, and limited to the end proposed to be attained by the specified power. He was right in saying, that in all cases where incidental powers are acted upon, the principal and incidental ought to be congenial with each other, and partake of a common nature. And he would have been equally right, had he added, that no means can be proper that are not compatible with the spirit of the constitution and the genius of our Government. But I will no longer detain the committee on this branch of the subject, having already shown, as I believe, beyond all cavil, that the clause which has been last examined does not confer on Congress power to incorporate a moneyed institution of any description.

I will now proceed to examine arguments—not of a constitutional character, nor strictly applicable—but nevertheless frequently appealed to by the advocates of a national bank. I allude to that class of arguments which rest on precedent alone for support. The friends and champions of a United States bank, when no longer able to find legitimate support, when forced to abandon every constitutional position, seek refuge in the misty regions of precedent. The acts of former legislatures, and the opinions of the Supreme Court, and not the constitution, are appealed to for authority: and lo! King Precedent is anointed with the unction of infallibility; becomes the keeper of their consciences, and the object of their idolatry; his behests the laws, his standard the mistletoe, which these political Druids venerate. But to vary the figure—what is there in the character or nature of precedent so sanative and holy that can heal all moral maladies, and justify all political transgressions? Or, wherefore is it, that precedent should fetter the intellect, destroy moral agency, and bear sway where reason and conscience should alone preside? Sir, would it not be well for those who have sworn to support the constitution, to pause and reflect before they subscribe to a doctrine so fraught with mischief, and so inimical to reason?

It is alleged, by some of the servile brain-bound slaves of precedent, that Congress would be justified in chartering a bank, (at the present time,) whether authorized by the constitution or not, because similar institutions have hitherto existed. They contend that, inasmuch as those institutions were established by Congress, submitted to by the people, acquiesced in by the States, and sanctioned by the Supreme Court, they were recognised by all the acts which imply the sanction of organic law. Sir, I cannot, for one, yield assent to doctrines so false, so loose, so licentious. I deny that the great body of the American people, the democracy, are, or ever were, in favor of a chartered money monopoly, whether State or national. The insinuation is a rank and insolent libel on their patriotism, their intelligence, and their integrity. No, sir, the frank and honest-hearted democrats of this country utterly reject and abhor the doctrine, that time or precedent can sanctify iniquity, or justify any infraction of the social compact.

It is contended by another, but similar class of moralists, that the constitution ought to be so construed, as to expand with the growth of the country, and conform to its diversified and mutable relations. Against this doctrine, also, I enter my protest. It is too ductile to be either safe or sound; too liable to be drawn out to dangerous lengths, and bent to mischievous purposes. Sir, what is the nature of the obligation under which we act? What is required of us before entering upon our duties as representatives? It is required, by the constitution, that "the Senators and Representatives, and the members of the several State Legislatures, and all Executive and Judicial officers, both of the United States, and of the several States, shall be bound by oath or affirmation to support this constitution." Sir, the requisition is emphatic and positive—couched in language not to be misunderstood. Our duty is palpable; we cannot err ignorantly. We are bound, by all the obligations which an oath imposes, to "support this constitution." We are not required to "support" the forced constructions that may be given by a pliant court, or by a careless or venal legislature. We are not called upon to "support" a constitution corrupted by congressional interpolations, or distorted and sophisticated by the legal mummeries of the bar or the bench. Nor are we obligated to support a constitution that may be construed to change with times and circumstances; that may grow with the growth, and decay with the decline of the country: but we are bound by our solemn oaths or affirmations to "support this constitution" in its purity and integrity, unsophisticated and uncontaminated. Sir, there are two classes of men in this world who rely upon precedent, and who seem to believe in its infallibility, with a great deal of spirit and perseverance. The one, the morally lax, who have no objection to transgress, provided they can find a pretext in precedent; the other, the mentally indolent, who find less labor in adopting the opinions of others, than in analyzing and investigating for themselves; while the rigidly honest and intellectually industrious, spurn all mental tyranny, refusing, in all cases, to yield their assent, but as the result of their conviction. Sir, let me not be misunderstood when I say that precedent is dangerous and pernicious; I mean that it is so when regarded as an obligatory rule in matters of legislation, and in the common affairs of life. In courts of justice, in the dispensation of civil and criminal law, it may, to a certain extent, be advantageously referred to as a guide. For so diversified and complicated are the subjects of litigation, that it is impossible for the legislator to anticipate and provide for every case that may occur. It becomes the duty, therefore, of the judge, the organ of the law, not only to proclaim the written law of the land, but also to decide in cases where no statutory provision has been made, as reason and justice may dictate. Nor, as a general rule, ought decisions thus made to be lightly regarded by succeeding judges, especially in cases where the points in litigation are analogous. But, sir, while I willingly admit that precedent may be properly referred to as authority in the administration of the law, I utterly deny that it is necessarily obligatory upon legislative bodies. It matters not, therefore, whether a precedent in favor of a United States bank be found in the acts of former legislatures, or in the decisions of the Supreme Court, it is, in either case, incompetent to control the acts of this body. Congress, I trust, will never be willing to acknowledge the binding force of precedent, in the decision of constitutional questions. But, sir, admitting, for the sake of argument, precedent to be good authority, what does it prove in this case? I apprehend that it would rather make against than in favor of a bank. We find, in 1811, when a renewal of the charter granted in 1791 was applied for, that its constitutionality was discussed, and that the application was rejected. And further, when the bank petitioned Congress for time to wind up its affairs, the petition was referred to

a committee who reported against the application, urging that it was unconstitutional, and the report was concurred in. In 1813, when the subject of a bank was again before Congress, and while under discussion in the House of Representatives, a distinguished gentleman from Massachusetts, [Mr. Webster,] then a member of the House, declared in his place, while opposing the bank, that the renewal of the bank charter had been refused, because it was unconstitutional; and Congress again decided against a bank. In 1832, the bill to renew the charter granted in 1816 was vetoed by the late President, and subsequently rejected by Congress, both alleging that it was unconstitutional. So that the precedents, so far as the action of Congress is concerned, are equal. If reference be had to the States, we shall find that a large majority of them have been opposed, on constitutional ground, to a United States bank. Whatever authority, therefore, may attach to precedent, makes against a bank. But the Supreme Court has decided that Congress have power to incorporate a bank; and these decisions are appealed to with as much apparent triumph, by the advocates of a national bank, as if the decrees of that court were binding on Congress, and settled the constitutional question forever. Sir, what are we to understand from this? Is it meant to be insinuated that the three departments of Government are not co-ordinate, and that the judiciary is clothed with the exclusive attributes of supremacy! that neither the Executive nor the Legislative departments are allowed to judge of their own powers, when acting within their appropriate spheres, and in the discharge of their official duties? Is it intended that the understandings, the oaths, and the consciences of the other two departments, are to be silenced and overawed by the despotic fiat of the bench? This heretical, servile, and detestable doctrine is industriously propogated, I am aware; not boldly and openly, but clandestinely and insidiously, by hints, innuendoes, and mysterious givings out. God forbid, patriotism forbid, that it should ever be acknowledged by the Executive or Legislative departments, or received by the American people. For one, I reject it with disdain. I deny, and defy mortal man to prove, that the decision of the Supreme Court can settle a constitutional question in any other than in a judicial sense. It cannot affect legislation—cannot control the decisions of Congress, or of the Executive—cannot control the sovereign and absolute power of the people, nor of their representatives. It is just as much the province of Congress, or of the Executive, to decide upon the constitutionality of any matter that may properly come before them for their action, as it is for the judiciary when it comes before them for decision. Congress is no more bound by the opinions of the Supreme judges than are the judges by the opinions of Congress. The constitution vests "the judicial power in a Supreme Court, and in such inferior courts as Congress may from time to time ordain and establish." In all instances, therefore, where suits are prosecuted in the courts of the United States, of which the courts have jurisdiction, and decided by the Supreme Court, all such decisions are final. That being the court of the last resort, the parties cannot appeal, but in all cases are bound to abide by such decision. But, as has been before remarked, no decision of the Supreme Court can be obligatory upon either of the other co-ordinate departments. When either is called to the discharge of its appropriate duties, that branch, and not the Supreme Court, is the judge, under the constitution, of its own acts. Nor are the decisions of the Executive or Legislative departments binding upon the judges of the Supreme Court, when acting within their appropriate spheres. So long as each of the several departments acts as a check upon the other, there is less danger of the abuse of power—whether springing from ignorance or unlawful ambition. But it may be asked, how constitutional questions are to be settled in the event of a non-concurrence of opinion in the co-ordinate departments. I answer, by the people through the ballot boxes. For let it be borne in mind, that this Government is emphatically a Government of the people: it emanates from the people, its powers are granted by the people, and are to be exercised for their benefit; and, so far at least as the representative department is concerned, in pursuance of their instructions, whenever they may think proper to exercise the right. All the departments of Government, the Executive, the Legislative, and the Judiciary, were established by the people to transact their business, agreeably to the powers bestowed. Consequently, when contradictory opinions are entertained by the several departments, with regard to the extent of their constitutional powers, the people are the only tribunal to which the matter in dispute can be properly referred; and their decision, proclaimed through the ballot box, must be final and conclusive. I am aware, sir, that this doctrine will not be very popular in certain quarters; but I conceive it, nevertheless, to be in accordance with the genius and spirit of our institutions, and maintainable upon strict democratic principles.

It being admitted, then, that the several departments are co-ordinate, and their opinions, therefore, not binding upon each other, it remains to be considered what weight is due to the decisions of the judiciary in favor of the constitutionality of a United States bank. Sir, whatever importance I might be willing to attach to the opinions of such an enlightened tribunal on doubtful and intricate subjects, I am unwilling to concede to them a controlling influence in the decision of a question like the one under discussion, when I am furnished with a written constitution for my guide, and in which every delegated power is distinctly and accurately delineated, both to the natural and the mental eye.

Sir, I have examined this instrument intently, anxiously, and, I trust, honestly; but nowhere do I find in it a power to grant charters of incorporation. Sir, I affirm, and hold that I am able to maintain, in defiance of all the arts of sophistry and mystification, that the convention which framed the constitution did neither grant any express power authorizing Congress to charter a national bank, nor intend that any power whatever, whether incidental or otherwise, should be exercised for such purpose. And further, that the convention positively rejected a direct proposition to empower Congress to incorporate a national bank, and repeatedly rejected written propositions to grant charters of incorporation. But let us first examine for a moment the ground assumed by the judiciary, in arguing the constitutionality of a national bank. By reference to a decision had in the case of McCulloch against the State of Maryland, it will be found that the principles upon which the judiciary rely, are substantially the same which prevailed in 1791, and ushered into being the first United States Bank. The main point of the argument of General Hamilton, as well as that of the Supreme Court, in support of the constitutionality of a bank, turns upon the alleged necessity of the measure. The judges, as I understand them, acknowledge the absence of all express constitutional authority, admit that the power can only be derived by implication, and only exercised on the ground of a just necessity. That is, a bank is constitutional, if it be necessary to carry into execution any of the express powers; but, if not necessary to that end, or if that end can be attained by other appropriate means, then it is not constitutional, the power to incorporate not being expressly granted to Congress. Upon this hypothesis Congress have no constitutional power to charter a national bank, if such bank be not absolutely and indispensably necessary to the execution of a specified power. Query: would even the necessity of the measure justify its adoption, without an amendment to the constitution? But, sir, it yet remains to be shown that a national bank is an essential means of execu-

ting any of the enumerated powers; and, until this be done, the opinions of the judiciary avail nothing. Whatever may be the general principle affirmed by them, their arguments neither make for nor against the constitutionality of a national bank. It is affirmed by the Supreme Court, in the case already alluded to, that "the government which has a right to do an act, and has imposed on it the duty of performing that act, must be allowed to select the means." Sir, I am constrained to doubt the validity of this doctrine when carried to its full extent. Suppose we put it to the test. It is not only the right but the duty of Congress to "regulate commerce." Does it follow that they have the right to make use of what means they please in order to accomplish that end? If so, they may incorporate a company for that purpose, alleging that an act of incorporation is a necessary mean for the attainment of the end proposed. In other words, that the regulation of commerce could not be so well effected in any other way. And why not? There is no constitutional difficulty in the way that may not be surmounted with the ladder of construction. And if Congress should only happen to think that a chartered company would be the best mean to "regulate commerce," what would there be to prevent such incorporation? According to the position assumed by the Supreme Court, you can first raise this power from an incident, and then consider it a principal—confer on it the power of legislative procreation, and authorize the mother institution to propagate her bastard progeny in every State and Territory in the Union. And why not, I say? You have all the authority in favor of it which precedent can furnish, in the charter of the late bank of the United States Bank. That institution had the power conferred upon it by Congress of multiplying its progeny at pleasure. It had the power, by virtue of its character, to establish branch banks, without the consent of the States, whenever and wheresoever it pleased. It had the legislative power delegated to it by Congress, in defiance of the checks and restraints which the American constitutions interpose, of creating, at its option, other banks and other directors; and this power received the sanction of the judiciary. If Congress possessed the constitutional power to incorporate a moneyed institution, such as the late United States Bank, it may also possess the power to charter a company, and endow it with the faculty of legislative fecundity, to regulate the commerce of the country. Only let Congress adopt the principle that they have the power to select what means they please, in order to carry into execution a specific power, and all the limitations, all the restraints which the grant of delegated powers impose, are broken down and subverted forever. Sir, I must be permitted to say that I consider this doctrine not only false, but dangerous to liberty. The exercise of a discretionary power, in the selection of means, must necessarily be limited to such means as are strictly proper; and no means that are incompatible with the principles upon which our Government is founded, can be proper, however convenient they may be. A chartered monopoly is not, cannot be a proper mean to carry into effect any of the ends of a Government based on the principles of political equality. Would you consider the exercise of exclusive political privileges as an appropriate means to promote the principle of equal political rights? The idea is absurd on the very face of it.

Mr. Chairman, I would not wantonly assail the reputation of the judiciary. I trust that I am capable of fairly and honestly appreciating the character of that enlightened and honorable tribunal. But however highly I may esteem them for purity of purpose and integrity of character, I cannot, with the evidence before me, regard them as unerring in judgment; and I trust that the day is far distant when they will be recognised by Congress, or the American people, as a body of infallibles. Sir, I believe that I am justified in saying that the circumstances which surround and necessarily operate upon the American judiciary, are unpropitious to liberty; the nature of their office, the tenure by which it is held, and the fact of their non-accountability to the people, must, on the known principles of human nature, have a tendency to render them covetous of power, arbitrary, and despotic. Nor is this all. Indoctrinated from their youth in the principles and prejudices of English jurists; educated in English books; ever consulting English authorities; constantly familiar with monarchical doctrines; in a word, all the laws of mental association, under which their intellects are reared and fashioned, are inimical to that broad-based and high-toned freedom which the American people delight to cherish. Nor will the truth of this position be doubted or denied by those who are familiar with the history of the past; who have studied the springs of human action; reflected upon the nature of human power; and observed its constant proneness to enlarge or overleap its boundaries. But why appeal to hypotheses, when I can so readily summon facts to my aid? The history of the Supreme Court is rife with testimony directly to the point. By a careful examination and analysis of its decisions, it will be found that they have, in most instances, leaned to the side of federal power; overlooked the rights of the citizen and of the States; and evinced a strong and uniform bias for a consolidated Government. The alien and sedition laws—notoriously unconstitutional, and so pronounced by Mr. Jefferson and the American people—received the sanction of that court. The sedition, or "gag law," made it an offence, punishable by indictment, to publish any thing which even had a tendency to bring into disrepute the officers of the Government; and many worthy and patriotic citizens were, in pursuance of that nefarious law, incarcerated for daring to complain of the opressions of their rulers. And this law, unconstitutional as it was, and subversive of the rights of the citizens and of the principles of our Government as it was, received the judicial sanction of the Supreme Court. Sir, I will hazard the declaration, and without the fear of contradiction, that, if all the principles which have received the sanction of the judiciary were now in full force and operation, the American people, bereft of all the blessings of a free constitution, would, at this moment, be writhing under the unmitigated oppressions of a heartless, ruthless despotism. And yet, sir, strange as it may appear, there are those among us, notwithstanding their knowledge of this truth, and notwithstanding all the judicial libels upon the constitution, which are plain to their eyes and to their understandings, who still cleave to that tribunal with all the zeal and enthusiasm of infatuation—regard it as the exclusive depository of wisdom, of freedom, of patriotism—and its decrees as infallible, fixed, and immutable, as the fiat of fate.

But, sir, I will bring the decisions of the judiciary to a decisive test, viz: the intentions of the framers of the constitution with regard to such institution. And here, then, I wish it to be borne in mind, that the judiciary have uniformly admitted that the power to incorporate a national bank was not among the enumerated powers of the constitution, and that it could only be derived by implication. In admitting that the power in question was an implied and not an express power, they necessarily assume that the framers of the constitution intended to vest in Congress a power which they omitted to specify; for surely it could not be pretended by an intelligent body of men, such as compose our judiciary, that Congress possessed the constitutional power to do an act which the constitution nowhere expressly authorizes, and which the framers of that instrument evidently intended to interdict. This doctrine of construction, therefore, rests entirely upon the known or supposed intentions of the convention which framed the constitution. It is incumbent, therefore, on those who allege, in the absence of all direct authority, that Congress

possess an implied power to incorporate a national bank, to show, at least, that the convention did not intentionally withhold the said power from Congress. Now, sir, if this cannot be done, but, on the contrary, if it can be proved that the subject in question was agitated in the convention which framed the constitution; that propositions were there made to invest Congress with power to charter a bank, and that all propositions having that object in view were rejected by the convention, it necessarily follows that Congress possess no such power, whether expressed or implied, the decision of the Supreme Court to the contrary notwithstanding. I then take this ground: that, inasmuch as there is no express constitutional authority given to Congress to charter a bank, and as the framers of the constitution repeatedly and deliberately rejected all propositions to vest in Congress power to grant acts of incorporation of whatever description, Congress, therefore, are as virtually and morally prohibited from granting a bank charter (in its national capacity) as if the constitution contained an express prohibitory clause with regard to it. I repeat that this is my ground; and if I can show that the framers of the constitution did not intend to vest in Congress power to grant acts of incorporation of any kind, but designedly withheld such power, then the constitutional right to charter a bank does not, and cannot, belong to Congress. In order to show what were the views entertained on the subject of a national bank, as well as of every other species of incorporation, by the framers of the constitution, it will be necessary to consult the journal of the convention, as well as the statements of several of the delegates after the convention rose. But, previous to introducing these authorities, I will state—what is already known to the committee—that there were two parties in the convention, who held opposing views relative to the form and character of the government proposed to be established. The one advocated a supreme national or consolidated, the other a federal form of government. The latter eventually triumphed. The friends of a supreme government, after being defeated in all their direct efforts, endeavored to accomplish their purpose by indirect means, as fully appears by the following extract from "Taylor's New Views of the Constitution:"

"*August* 18. It was proposed to empower the Legislature of the United States, (the word national is now dropt,) 'to grant charters of incorporation in cases where the public good may require them, and the authority of a single State may be incompetent; to establish a university; to encourage, by proper premiums and provisions, the advancement of useful knowledge and discoveries; to establish seminaries for the promotion of literature and the arts and sciences; to grant charters of incorporation; to establish institutions, rewards, and immunities, for the promotion of agriculture, commerce, and manufactures; and to regulate stages on the post-roads,' which, with other propositions, were referred to the committee of July 23d.

"*September* 14. 'Question. To grant letters of incorporation for canals, et cetera; negatived. To establish a university; negatived.'

"Their rejection was a necessary consequence of substituting a federal for the national Government, zealously contended for, from the 29th of May to the 14th of September. It was obvious that powers to establish corporations, prescribe the mode of education, patronise local improvements, and bestow rewards and immunities for the promotion of agriculture, commerce, and manufactures, would certainly swallow up a federal, and introduce a national government. When, therefore, a federal system obtained the preference, it would have been inconsistent with the high degree of intelligence possessed by the members of the convention, to have permitted their determination to be defeated by these indirect attempts. This intelligence was assailed by the soothing but insidious restriction, that the powers to incorporate, grant exclusive privileges, and exercise every species of patronage, were only to be exercised 'in cases where the public good may require it.' The same soothing but insidious argument is now addressed to the intelligence of the public, to justify an exercise of the very powers which the intelligence of the convention withheld from a federal government; and whether the promise of public good has been fallacious or fulfilled by the monopolies of currency, of manufactures, and the extension of federal patronage, the public can decide. Yet, whatever may have been their temporary effect, it is obvious that the enlightened framers of the constitution considered the condition of public good, as an enlargement and not a restriction of power; and that it would defeat all the limitations of the constitution, by which a federal government could be formed or sustained. It was a pretext which would fit every encroachment or usurpation; and no powers could be more indefinite and sovereign than those of granting exclusive privileges, bestowing rewards and immunities upon the three comprehensive interests of society, agriculture, commerce, and manufactures, and patronising capitalists, paupers, knowledge, and ignorance. Such a nest of powers, though exhibited as sleeping in the bed of public good, bore so strong a resemblance to the old bed of justice in France, which was the repository of evil as well as good, that they were all rejected. It was evident that they would be sufficient to re-hatch the strangled national form of government; and the convention having finally preferred the federal form, thought that no good to the public could result from such powers, which would recompense it for the evils it would sustain from the subversion of that form. The convention saw, that if Congress could exercise such powers for the public good, it might, upon the same ground, usurp any powers whatsoever, and, in rejecting the propositions, decided between investing that body with a general or limited federal authority. Hence the power to regulate commerce was not intended to revive the rejected propositions to empower Congress to bestow rewards upon agriculture, commerce, and manufactures. Hence the rejected proposition, to empower Congress to direct the exercise of the judicial power, cannot enable it to extend the jurisdiction of the Supreme Court. And, for the same reason, a power to make war cannot revive the rejected power to make canals, or to perform any of those et ceteras, whatever they were, referred to by the journal. If these sweeping and indefinite sovereign powers, or all powers thought by those who exercise them to be necessary for the public good, with an et cetera besides, though proposed and rejected, do yet pass to Congress under the constitution, then the battle between the national and federal parties in the convention terminated quite contrary to the usual course of things; the vanquished were victorious, and the victorious were vanquished; and if they were now alive, one party would be as much surprised to discover, that it had carried the consolidating propositions which it had lost, as the other, that it had lost the federal principles which it carried. The spectacle of the slain rising up alive, and the living falling down dead, could not have been expected by either.

"No powers can be more sovereign and arbitrary, than those of deciding and doing whatever may administer to the public good, and of pilfering private property by privileges, partialities, premiums, monopolies, rewards, and immunities; nor more capable of reaching any end. Had the rejection of such powers been unnecessary for the security of a federal form of government, the convention might have still been justifiable for the act, as deeming them tyrannical, fraudulent, and oppressive. Did the convention reject them in fact, and replant them in masquerade? I discern no evidence in the journal to excite such a suspicion. Colonel Hamilton, far from discerning the supposed ingenuity of sinking a national form of government in a lake of obscurity, to be fished up by a long line of constructions, when it might be safer to avow the intentions, seems to have quitted the convention

in despair, soon after the failure of his project. Mr. Randolph, undoubtedly influenced by having lost his plan also, refused to sign the constitution. And though Mr. Madison and Colonel Hamilton both signed it, and Mr. Randolph supported it in the Virginia convention, they must have been influenced by the patriotic motive of effecting some good, though they could not accomplish all which they attempted. These are strong reasons to prove that the gentlemen who contended for a supreme national government, and of whose propositions for that purpose not one was adopted by the convention, did not imagine they had succeeded."

It appears that the indirect and insidious means (which were intended to be exercised through the medium of incorporations and exclusive privileges) of the consolidationists, to establish a supreme national government, shared the same fate in the convention as did their more open and direct efforts. But, sir, let us proceed to examine the evidence, on the point in question, in the order in which it stands on the journal of the convention: On the 29th of May, the third day after the convention had formed a quorum, Mr. Pinckney, delegate from South Carolina, submitted the plan of a constitution, in which he proposed to bestow on Congress the power, "to borrow money," &c., &c. After various propositions, plans, and resolutions, had been sufficiently debated,

"It was moved and seconded that the proceedings of the convention for the establishment of a national government, except what respects the supreme executive, be referred to a committee for the purpose of reporting a constitution, conformably to the proceedings aforesaid; which passed unanimously in the affirmative."

On the 24th of July, the committee, consisting of five, were chosen, and on the 6th of August, the committee reported the "draught of a constitution," and among other powers proposed to be given to Congress, were the following: "To lay and collect taxes, to borrow money, and emit on the credit of the United States."

On the 16th of August, when this "draught of a constitution" was under discussion, and particularly the power last above mentioned,

"It was moved and seconded to strike out the words 'and emit bills' out of the eighth clause of the first section of the seventh article; which passed in the affirmative.

"YEAS, New Hampshire, Massachusetts, Connecticut, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina, Georgia, 9. NAYS, New Jersey, Maryland, 2."

The convention, after having denied to Congress the power to emit bills of credit—which power had been possessed by the confederation—deemed proper to extend a like prohibition to the State governments; this subject was decided on the 28th day of August, when the 12th article was under consideration:

"It was moved and seconded to insert the words 'nor emit bills of credit,' after the word 'money,' which passed in the affirmative."

On the 18th of August, as has already been shown, two different propositions were made to authorize Congress to grant acts of incorporation, and were both rejected. On the 14th of September, the power to create corporations was again proposed to be vested in Congress, but was again, and for the third and last time rejected. (See journal.) Thus far the journal of the convention. I would now ask the attention of the committee to the statements made by the members of the convention.

Luther Martin, a delegate from the State of Maryland, in his disclosures to the Legislature of that State, makes the following remarks:

"By our original articles of confederation, the Congress have power to borrow money and emit bills of credit on the credit of the United States; agreeable to which was the report on this system as made by the committee of detail. When we came to this part of the report, a motion was made to strike out the words 'to emit bills of credit;' against the motion we urged, that it would be improper to deprive the Congress of that power; that it would be a novelty unprecedented to establish a government which should not have such authority. That it was impossible to look forward into futurity so far as to decide that events might not happen that should render the exercise of such a power absolutely necessary; and that we doubted, whether if a war should take place it would be possible for this country to defend itself, without having recourse to paper credit, in which case there would be a necessity of becoming a prey to our enemies, or violating the constitution of our Government; and that, considering the administration of the Government would be principally in the hands of the wealthy, there could be little reason to fear an abuse of the power by an unnecessary or injurious exercise of it. But, sir, a majority of the convention, being wise beyond every event, and being willing to risk any political evil rather than admit the idea of a paper emission, in any possible case, refused to trust this authority to a government, to which they were lavishing the most unlimited powers of taxation, and to the mercy of which they were willing blindly to trust the liberty and property of the citizens of every State in the union; and they erased that clause from the system."—*Elliot's Debates, vol. 1, p. 413.*

"By the tenth section every State is prohibited from emitting bills of credit. As it was reported by the committee of detail, the States were only prohibited from emitting them without the consent of Congress: but the convention was so smitten with the paper money dread, that they insisted the prohibition should be absolute. It was my opinion, sir, that the States ought not to be totally deprived of the right to emit bills of credit, and that as we had not given an authority to the General Government for that purpose, it was the more necessary to retain it in the States. I considered that this State, and some others, have formerly received great benefit from paper emissions, and that if public and private credit should once more be restored, such emissions may hereafter be equally advantageous; and further, that it is impossible to foresee that events may not take place which shall render paper money of absolute necessity; and it was my opinion if this power was not to be exercised by a State without the permission of the General Government, it ought to be satisfactory even to those who were the most haunted by the apprehensions of paper money; I therefore thought it my duty to vote against this part of the system.

"The same section also puts it out of the power of the States to make any thing but gold and silver coin a tender in payment of debts, or to pass any law impairing the obligation of contracts."—*Ib. p. 422.*

"*March the 11th*, 1798.—When the bank bill was under discussion in the House of Representatives, Judge Wilson came in, and was standing by Baldwin. Baldwin reminded him of the following fact which passed in 'the grand convention.' Among the enumerated powers given to Congress, was one to erect corporations. It was, on debate, struck out. Several particular powers were then proposed. Among others, Robert Morris proposed to give Congress a power to establish a national bank. Gouverneur Morris opposed it, observing that it was extremely doubtful whether the constitution they were framing could ever be passed at all by the people of America; that to give it its best chance, however, they should make it as palatable as possible, and put nothing into it not very essential, which might raise up enemies; that his colleague [Robert Morris] well knew that 'a bank' was in their State (Pennsylvania) the very watch-word of party; that a bank had been the great bone of contention between the

two parties of the State, from the establishment of their constitution, having been erected, put down, erected again, as either party preponderated; that, therefore, to insert this power, would instantly enlist against the whole instrument, the whole of the anti-bank party in Pennsylvania. Whereupon, it was rejected, as was every other special power, except that of giving copy-rights to authors, and patents to inventors; the general power of incorporating being whittled down to this shred. Wilson agreed to the fact."—*Jefferson's Memoirs.*

Now, sir, let us consider, for a moment, the several statements made by the delegates to the convention, and of Mr. Jefferson, in connexion with the evidence contained in the journal, and see if an array of testimony be not presented in opposition to the unfounded and impudent assumption—that it was the intention of the convention to authorize Congress to "emit bills of credit"—that is decisive and overwhelming. It appears by the disclosures of Luther Martin, as well as by the original journal, that propositions were repeatedly made in the convention, to authorize Congress to emit "bills of credit," and that all propositions to that effect were most signally rejected! It is expressly stated by the attorney general of Maryland, that a majority of the convention "were willing to risk any political evil, rather than admit the idea of a paper emission in any possible case;" and that they (the convention) "erased that clause from the system." And again, when speaking of the extension of the prohibition to the States, he remarks; that "the convention were so smitten with the paper money dread, that they insisted the prohibition should be absolute!" So that both Congress and the States, as we have already seen, are prohibited by the constitution from "emitting bills of credit;" or from issuing paper money, "in any possible case." It is contended by Mr. Gallatin, in his "Considerations on the Currency," &c., that bank bills and bills of credit are one and the same thing. He remarks: "the constitution of the United States prohibits every State from issuing bills of credit: now, the bills emitted by a bank," he adds, "are to all intents and purposes bills of credit." And hence he concludes, that the State which creates such bank, violates the constitution. If the bills issued by State banks, are to all intents and purposes "bills of credit," in the constitutional sense, as Mr. Gallatin contends—and I am not disposed to dispute the point with him at present—then would bills issued by a United States bank, also be bills of credit. If a State, therefore, by issuing bills of credit, or by incorporating a bank for that purpose, violates the constitution, Congress by doing the same thing, equally violates that instrument; because, as has already been shown, the power to "emit bills of credit" was withheld from Congress as well as from the States. The reason why a prohibitory clause was not incorporated into the constitution in relation to the United States, as well as to the State governments, is obvious. By the articles of confederation, Congress were expressly authorized to "emit bills of credit." This power had been exercised by Congress, and the evil effects resulting from it, in the shape of continental money, were in evidence before the members of the convention at the time of framing the constitution. The framers of the constitution, admonished by the history of the past, wisely and patriotically endeavored to guard their country from a similar evil in future, by excluding from the new constitution, the power which had been conferred on Congress by the articles of confederation, as well as by prohibiting the exercise of that power to the State governments.

Congress are, by the constitution, not only deprived of the power of "emitting bills of credit," or of "issuing paper money in any possible case," but expressly limited in the exercise of their power, with regard to the currency, to the coining of gold and silver, and to the regulation of the value of foreign coin. And when Congress have done this, they have done all that the constitution requires or permits them to do on the subject of the currency.

Having shown that the power to "emit bills of credit" is not delegated to Congress, and that such was the "dread of paper money" entertained by the convention, that they withheld from Congress the power to issue, or cause to be issued, such money "in any possible case," I might dismiss this part of the subject without further remark; but as it is my wish to put an end to all doubt and cavil, I will, even at the hazard of using tedious repetitions, again refer to the important fact, that it was repeatedly propoposed in convention to vest Congress with power to grant charters of incorporation, and that all such propositions were rejected in every instance, and under every modification. This position has been fully established by the journal of the convention, as has been already shown, as well as by the statements of able and honorable members of that body. Mr. Madison, in his reply to General Hamilton's arguments in favor of a national bank, informs us that "a power to grant charters of incorporation had been proposed in the convention, and rejected." Messrs. Baldwin and Wilson, both distinguished members of the federal convention, have informed us, through Mr. Jefferson, that among the enumerated powers ("proposed to be) given to Congress, was one to erect corporations," and that "it was, on deliberation, struck out." And further, that "Robert Morris proposed to give Congress power to establish a national bank," and that the proposition was opposed by Gouveneur Morris, on the ground that it would be unpopular with the people. This proposition was also rejected by the convention. Well, sir, we are at length enabled satisfactorily to determine whether a power to grant charters of incorporation be a substantive or incidental power. That it was not regarded as an incidental power by those members of the convention who were the advocates of incorporations, is evident from the fact that they proposed to class it with the enumerated and substantive powers. And that it was not considered as incidental by those members who opposed it, is equally manifest from the reasons urged by them in debate against it. They opposed it, not on the ground that it could be derived by implication, but on the broad democratic principle that it was incompatible with the character of the government which they had been delegated to establish, and because its exercise would be dangerous to the liberties of the people. The position assumed by the judiciary, therefore, that the power to charter a national bank is an incidental power, is condemned and contradicted by the unanimous sense of the convention. The convention, by deliberately withholding from Congress the power to grant charters of incorporation for both general and special purposes, thereby clearly and indisputably discountenanced and condemned the principle. Yes, sir, it was the principle of exclusive privileges and of chartered monopolies to which they were opposed, and which they promptly, sternly rejected, as often as introduced, and in whatsoever shape presented. And will it be pretended that the authors of the constitution, after having thus repeatedly and unqualifiedly disapproved and repudiated the principle, still recognised and approved it in the shape of a bank charter—in its most dangerous, revolting, and malignant aspect? Who is prepared to accuse the authors of the constitution with such palpable inconsistency, or culpable duplicity? Sir, I am compelled to believe that the man who affirms that the framers of the constitution, after having rejected all propositions to grant charters of incorporation, whether for general or special purposes, intended, at the same time, to authorize Congress to charter a national bank, holds in light estimation, either the character of that body, or his own honor.

Mr. Chairman, I will, in a few words, conclude my remarks on this branch of the subject. It is admitted on all

hands that ours is a Government of specific and limited powers. In the language of the constitution, "The powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The power to grant charters of incorporation was not delegated to Congress, nor intended to be so, by the convention which formed the constitution, and, consequently, cannot be exercised without violating that instrument. And, with a perfect knowledge of this fact, with a full and perfect understanding that the convention purposely withheld from Congress the power to "emit bills of credit," or paper money, "in any possible case;" that they also prohibited the granting of charters of incorporation of every kind and description; I cannot, I say, with all the information before me, consent to vote in favor of any incorporation, and especially a bank charter, which stands doubly condemned by the framers of the constitution. No, sir: were I to do so, with the evidence before me, I should consider that I had sinned against light and knowledge—sinned past recovering and past forgiveness, and should ever regard myself as a perjured man—perjured both in the eyes of God and of my country.

But, sir, the American people are opposed to a national bank. The knowledge of this fact—and no man can plead ignorance with regard to it—I should suppose would be a sufficient reason why the people's representatives should oppose it. For my own part, sir, were I to support any measure which has been so generally and emphatically condemned by the people, I should consider that I had grossly outraged public opinion, insulted the majesty of the people, disregarded their express wishes, and betrayed their best interests. And, sir, I cannot conceive how any honorable gentleman, who claims to be a republican—who professes to entertain a due regard for public opinion, and a willingness to act in obedience to the expressed will of the majority—can possibly yield his support to a measure that has been so recently, so repeatedly, and so signally condemned by that majority. Shall I be told that the people would take this new institution into favor, provided it were established, and that they would cherish and sustain it hereafter? Let not gentlemen lay the "flattering unction to their souls." No, sir, the history of the late bank is too fresh in their recollections. The people of this country are too prudent and too wise not to be admonished and profited by the teachings of the past. They are too jealous of their rights—too much enamored of liberty, to regard with favor a monster that might, at its pleasure, violate those rights and crush that liberty. And gentlemen who act upon the supposition that the American people will ever become the friends and willing supporters of an institution so hostile to the spirit of freedom, err as widely as would have erred the friends of the infant Bacchus, had they commended him to the arms of Juno for succor and protection.

But, sir, we are told by the board of trade, and others friendly to a national bank, that the general welfare of the country requires at our hands the establishment of such an institution. For one, sir, I am disposed to doubt the correctness of this proposition. I am strongly inclined to the opinion that these modest patriots are not quite so well qualified as they they imagine, to decide what would or what would not promote the public good. I have yet to learn that those gentlemen are more deeply skilled in the science of government and of political economy, and that they cherish a warmer regard for the public weal, than those of other pursuits and of a different political faith. I have yet to learn that they are benevolent and patriotic beyond their generation, or that they have been anointed with the oil of wisdom above their fellows. Sir, whence comes their authority to decide what measures shall or shall not be adopted in reference to the general welfare? When, and how were they constituted and appointed conservators and guardians of the public interests, that they thus ape the language of supremacy, and assume the tone of oracular wisdom? Have not the great mass of the people had sufficient experience, with regard to a national bank? have they not felt its benefits and its evils, its advantages and disadvantages; and have they not condemned it—I had almost said with the voice of unanimity? And shall they be deemed incompetent to judge of the utility, character, and tendency of such an institution? Sir, by what other criterion than that of public sentiment, clearly expressed and fairly ascertained, shall we judge of a public measure? Shall we adopt the views and opinions of the few to the exclusion of the many? Shall we not allow the great majority to determine what is as well as what is not for their welfare? And have not that majority solemnly decreed, in a voice that is still ringing in our ears, that a national bank is not a national benefit, but a national evil; that it is not a public blessing, but a public curse? If we regard public sentiment, therefore, as a proper test of this measure, we must necessarily decide against it. We are bound to believe that it would not be productive of public good, as represented by the petitioners—but of public mischief, as declared by a majority of the people. It will not be disputed, but that any class of citizens have a right to ask, at the hands of Government, the adoption of such measures, or the enactment of such laws, as may, in their opinion, subserve their interests: provided always, that such measures, or laws, do not conflict with other interests of the State, or revolt the "stomach of the public sense." A national bank does both; and has, consequently, no claims to the favorable regard of Congress.

Sir, let us consider for a moment whether we can look with safety or propriety, for wise, patriotic, disinterested, or salutary counsel from the source whence the petitions and demands for a national bank proceed. Do we find the patriotic, the clear-headed, and honest-hearted yeomanry and mechanics of the country clamoring for a national bank? No, sir. No—the productive and laboring classes appreciate their political welfare too highly to desire such an institution. The great majority of bank advocates are to be found among the non producers—the traffickers and speculators of the country—"children of lofty hopes and low desires," most of whom are peculiarly affected by the present pressure of the times. And would it be the part of wisdom to give heed to counsel emanating from such sources? Can it be reasonably expected that men relying solely upon bank facilities—men suddenly disappointed in their high expectations of immediate wealth and consequent influence, would be the most competent to direct the action of Government and control the destinies of the nation, at such a conjuncture? No, sir, their habits of life—of thinking—their peculiar situation—the circumstances which influence their judgments and impel them to action—all—all conspire to disqualify them for the task. We know, sir, that it is more natural for men in affliction—whether physical or political—to have recourse to palliatives—to immediate and temporary expedients, than to deliberate on the means necessary to secure permanent relief.

When Mr. MOORE had concluded his speech,

Mr. CUSHING spoke in reply to a part of Mr. PICKEN's remarks respecting a crusade of an insurrectionary character among the white slaves of the North; a movement which he deprecated—and a natural alliance between the democracy of the North and the aristocracy of the South, which he argued to show was against the principles of both. If such an alliance should exist, it must be as of masters and servants, which the North would never hear of.

Mr. CAMBRELENG said that an apology was certainly due to the members of the committee for throwing himself upon their indulgence at so late an hour, worn out as they all were by daily and nightly sessions. He had

hitherto abstained from debate, anxiously desiring the early passage of the important measures reported; and he should not now have addressed the committee, but for the strange character of the proceeding of the House during the present session, called, as it was, under extraordinary circumstances. The banks had suspended specie payments; the Government, with a surplus of forty-two millions and a half, found its Treasury embarrassed; and there was every reason to expect that it would soon be without means to meet its current expenditures. Trade was also paralyzed, by a revulsion more violent than any that had hitherto checked the onward course of the prosperity of this country.

Called together, Mr. Chairman, under such circumstances, I had supposed that whatever might be our opinions of past events, or of our mutual errors, we should come here prepared, without regard to party, to provide a common remedy for a common calamity. I had thought that we should be unanimously disposed to relieve our Treasury from its embarrassment, in a mode calculated to aid most extensively in giving renewed activity to our internal circulation, and in reviving trade. Judge, then, of my surprise to see every measure recommended by the President not only opposed, but its passage retarded by every movement that could embarrass the proceedings of this House. So far from aiding us in our measures, the gentleman from Massachusetts [Mr. Cushing] told us that he would not "raise his finger to relieve the Treasury from its embarrassments." [Mr. Cushing explained.] I am happy, sir, that the gentleman is penitent. I understood him as the reporters did; [Mr. C. said his remark had not been correctly reported.] But the gentleman from Kentucky, [Mr. Menefee,] a gentleman who, from his debut here promises to be an ornament to this House, indeed he is already so—that gentleman went farther still, and rejoiced at the embarrassments of our Treasury.

The spirit of party must be violent indeed, when it makes war upon the Treasury of our own Government, instituted for the common benefit. Had gentlemen come forward, as the country expected they would do; had they united with us, and passed our bills a month ago, they would have afforded immediate and general relief to every part of the Union. Instead of that, what have we seen? Opposition to every measure of relief. When we proposed to relieve the Treasury from its engagement to deposite nine millions with the States, we were told of the millions due from the merchants and the banks. The bonds were not to be postponed to relieve our debtors from the necessity of purchasing specie at a premium, and to aid the banks in an early resumption of specie payments. Our Southwestern banks were to be called upon to pay their balances, by distressing their debtors, and at a crisis when specie in that part of the Union was at twenty, thirty, and forty per cent. premium. All this was to be done, at a moment when trade was paralyzed, and credit destroyed, for the purpose of depositing nine millions with the States! The issue of ten millions of Treasury notes, too—a measure calculated to give general relief in the present condition of our internal exchanges and circulation—that measure was resisted. The interests of the Treasury, and of the country, were to be set aside, in order to furnish a stock to our capitalists, or to enable the Bank of the United States to purchase its bonds at its own price! And now, when it is proposed to separate the Treasury from the banking institutions of the country, to dissolve that fatal union which has contributed so largely to disturb their operations, and to shatter the fortunes of trade, a proposition is made to reunite them by stronger bonds, and to perpetuate their mutual embarrassments.

Relief has not been the order of the day with gentlemen. They had no measure to propose to calm the agitations of trade, to revive confidence, and to give a new impulse to the prosperity of the country. Their movements were of another character. Agitation was the order of the day; and, at the moment when the country anticipated prompt relief, we have found ourselves in the midst of another panic session. The gentleman from Pennsylvania [Mr. Sergeant] has told us of "the awful winter" approaching, and we have heard from all quarters the old war cry of a national bank or a revolution. The removal of the deposites, the specie circular, and all the stale subjects of debate for five years past, have been revived. Preparation is evidently made for a third campaign for a bank of the United States—that sovereign remedy for all the calamities brought upon the country by the mal-administration of our late President.

Sir, although these subjects are stale, it is useful to consider them at a time when we may justly appreciate them, and in connexion with the inquiry into the causes of the recent revulsion and the general suspension of specie payments. As to the specie circular, I shall soon dismiss that. What was its operation? It increased the specie in the Western deposite banks, in thirteen months, some three millions and a half. And whence was this amount drawn? From the parts of the Atlantic and the Gulf, into which there were at the same time flowing more than ten millions of coin, and bullion beyond the amount exported. Was the deposite in the Western banks special? No; every dollar of it might have been returned. It might have been drawn by the banks on the Atlantic and the Gulf; and would have been drawn, had they not been, at the same time, receiving three times the amount from abroad. Such, sir, is the whole currency operation of the specie circular—that measure which seems, in the estimation of gentlemen, to have been the terrible author of all the calamities of the commercial world. According to their argument, it followed the swift current of the Ohio and Mississippi to New Orleans, and swept away the most eminent houses in that city. It took the course of the Gulf stream, and gave a shock to every city on the Atlantic. It prostrated more than a hundred of the most enterprising merchants of New York; crossed the Atlantic, shook the royal exchange, and continued its disastrous course throughout all Europe. But, sir, the most remarkable performance of this tremendous measure we did not hear of for some months after it was issued. Before it visited the two continents on our side, it actually passed through the globe, and produced an earthquake in the Celestial Empire. In this revulsion, the Hong merchant was the first victim. Mr. Chairman, the question is unworthy of argument—it is fit only for ridicule. I was glad to hear the learned and travelled gentleman from South Carolina [Mr. Legare] who addressed the committee this morning do justice to the specie circular, and admit that but for that, Heaven knows "where we should have gone." Sir, if that specie circular, and the London bankers' circular—a measure ill-timed, sudden, and overwhelming—if both of these circulars had been issued twelve months earlier, it would have saved, on both sides of the Atlantic, many a merchant from bankruptcy and thousand of families from poverty and want.

Equally unsubstantial is the charge against the late administration for drawing specie from Europe. If gentlemen would reflect upon the operation of the measures of Congress and of Parliament, adopted upon no party grounds, and upon the effect of a constant influx of capital from the old to the new world, they would find no difficulty in accounting for our heavy importations of specie for some years past. They will find the foundation laid by the act of Parliament of 1833, and our coin law of 1834. The former made Bank of England notes a lawful tender; dispensed, in some measure, with the use for gold, and encouraged its exportation; while the latter raised the price of gold above the European standard, and facilitated its importation into this country. The act of 1834 was the first meas-

ure ever adopted by us calculated to fortify the basis of our commercial credit, and to secure a just portion of the metallic currency of the world. Had the Bank of England not suspended specie payments for twenty-five years, we should long since have discovered and corrected the error in our coin laws. Had we revised them forty years ago, the trade of this country would have rested on a more stable foundation than it now does. For years we were mere traders in currency. We drew it from the islands and countries south of us, and exported our silver to China and our gold chiefly to Europe, even after the expense of coining. We have latterly exported little to China, less than three millions in five years; and the course of trade, and the operation of the coin laws of England, France, and this country, do not authorize us to anticipate its steady exportation as heretofore. In the last fifteen years we have imported about eighty-seven millions from the countries and islands south of us; and there is always a current of coin and bullion setting in from that direction. There will be no difficulty now in securing a substantial basis for trade if our State Legislatures do not banish specie from the country, and if we separate our revenue from our bank note circulations.

If we would ascertain the causes of the recent revulsion, we should be obliged to go back to a very ancient date. The gentleman from Pennsylvania [Mr. Sergeant] has truly told us that all countries are liable to revulsions, whatever be the character of their currency. When credit is abused, an explosion must follow; and credit has been sometimes abused excessively, even in countries with a metallic currency. But, sir, the gentleman was obliged to go back a century for the explosion in France; and that explosion was an affair of the King, who, in December, 1718, took Law's bank into his own hands. Wherever Governments permit paper to be substituted for the precious metals, revulsions must become an every day affair, and their violence is also very much increased by mercantile notes and bills, issued in exchange for credit, the whole of which explodes at every revulsion, and steadily increases the amount of bankruptcy. The rapid growth of this country, and the bold and enterprising character of our trade, render us more liable than other countries to frequent and violent revulsions.

But, sir, all these causes combined have never before produced a general suspension of specie payments, in time of peace, in any country. We must seek for other causes for an event so extraordinary. It is possible that the circular of the London bankers, issued, we may say, by order of the Bank of England, and coming suddenly upon the trading and banking interests of this country, might have produced it; but it is by no means certain.

There was, however, a manifest cause of this suspension in the connexion of our Treasury with the banking and trading interests of the country, under which they had to encounter the pressure of the deposite act, and, what was more powerful still, the hostility of the Bank of the United States and its friends. I do not refer to the deposite act with a disposition to criminate gentlemen who supported it. The surplus was an evil. They discharged what they considered a paramount duty in getting rid of it; but they did not foresee the disastrous consequences which would follow the sudden withdrawal of so large an amount from the banks at such a crisis. That was not, however, the only measure. There was a supplementary act which you yourself, Mr. Chairman, (Mr. Smith, of Maine, being in the chair,) moved out of its order and carried through this House at midnight on the last night of the session. That act authorized the immediate transfer of the public money from bank to bank, and State to State; and it was for executing both these laws together that the Secretary of the Treasury has been so unjustly censured. Let us suppose, sir, that England had a surplus of five hundred millions of dollars, which, in a ratio to her revenue, would be equivalent to our forty millions. Suppose it to be deposited in the local banks, and that Parliament had ordered it to be withdrawn in nine months and distributed among the counties in England, at a time, too, of a heavy pressure on the money market: would it not have broken all the banks in Great Britain and Ireland? If this five hundred millions had been deposited in the Bank of England and its branches, and had been, as ours was, employed in commercial discounts, the shock to trade and banks would have been still more violent from the convulsive but vain efforts of the Bank of England to meet the demands of the exchequer and to sustain specie payments. Such, sir, must be the condition of trade and banking in every country where they are united with the fluctuating revenues of Government.

The next obvious consequence of this connexion is the five years' war of the Bank of the United States and its friends against the deposite banks, the Treasury, and the country itself. What, sir, is the brief history of this war? The President, in discharging a high public duty, knowing the immense power of such an institution, and foreseeing the mischiefs which would result from perpetuating it, brought the question before the nation for its decision. Without waiting for that decision, the bank memorialized Congress six years before the period for winding up its concerns, and a bill was passed through both Houses, with a knowledge that the President would reject it. The pretext then was, that it was necessary that the bank should at that early period know its fate, and commence winding up its concerns gradually. The election of the President in the same year (1832) ratified his veto. Steps were taken to employ other banks, and towards the close of the next year the deposites were partially removed. The bank, anticipating this order, commenced the first campaign against the deposite banks, the Treasury, and the country, by curtailing rapidly. The pretext for this step was, the necessity of fortifying herself to meet the hostility of the Executive in withdrawing the deposites. And pray what was the enormous amount of these deposites? Not thirty-seven millions, sir, the amount ordered to be removed under the deposite act, but less than seven; nay, only about three millions at that time, for some of it remained more than a year afterwards. Nor was it transferred from city to city, or State to State; but, with little exception, from one bank to another in the same city. Yet, alarmed at this tremendous order, which had been anticipated for months, this great bank, with its capital of thirty-five millions, was afraid of the deposite banks, and was compelled to curtail its discounts more than eighteen millions in nineteen months. The alarm was spread through our cities; the local banks were forced to follow its example; and trade, which had been in a prosperous course, was suddenly brought to a stand, without any commercial cause whatever. The celebrated panic session opened with the cry of ruin and revolution, and our cities were for months agitated by the stormy conflicts of parties. The first campaign for a bank of the United States terminated with that session.

Foiled in this experiment upon the deposite banks and the country, the president of the bank changed his policy. This crippled institution, almost broken down by its efforts to pay over a few millions to other banks, as soon as the session was over, suddenly found itself able to enlarge its discounts to the amount of ten millions! The bank commenced extending facilities in November, 1834, and in eight months increased them more than nineteen millions of dollars. The trading and banking interests of the country, after being so long chained down by this tyrant of trade, were suddenly set free. The banks generally followed the example of the United States Bank, by enlarging their discounts, and every branch of trade was stimulated

to engage in the wildest speculations. If all the banks in the country had contracted and expanded in the same ratio, it would have made an aggregate fluctuation in commercial facilities of near three hundred millions. The fluctuation of the Bank of the United States alone from April, 1833, to July, 1835, amounted to about thirty-eight millions. Suppose, sir, the Bank of England had not its capital, its deposites, and circulation invested in public securities; suppose, instead of its mere surplus, it had its forty millions sterling employed in commercial discounts, and that the bank, struggling to compel the country to renew its charter, were to curtail and extend its discounts in two years and three months more than twenty millions sterling—what would have been the condition of the trade and local banks of Great Britain and Ireland at this time? Precisely what ours is. The close of this second campaign has been triumphant—more than triumphant—for the president of the bank and its friends have not only broken all the deposite banks, but almost every other bank, not excepting the Bank of the United States, with its thirty-five millions, although rechartered with additional strength and enlarged powers. The Bank of the United States has contributed its share in increasing the calamities of the day. It has triumphed over the deposite banks and the Treasury; but it has not yet conquered the people of the United States.

Now, in the midst of all this wreck of credit, while the victims in this war lie scattered around them, gentlemen, as if in mockery, invoke the aid of the trading and banking interests to engage in a third campaign; and for what, sir? For a national bank, which they dare not themselves propose; which they admit to be hopeless; which stands condemned by the people; who, after all these struggles, have sent to both Houses the largest majorities ever known, against even the expediency of such an institution. The merchants and bankers of this country are again invited to engage in a third and suicidal war, to keep trade and banking in violent agitation for three years to come, and to terminate the campaign in another scene of bankruptcy and ruin. None but the determined partisans of the Bank of the United States will answer to the call. The intelligent and candid of all parties must be convinced, after five years' bitter experience, that the trading and banking interests of the country have nothing to gain by enlisting in our political wars; and that so long as their fortunes are associated with the fluctuating revenues of this Government, they must be periodically broken down.

In these contests, sir, the credit of our banks has been destroyed. We have made discoveries, too, which warrant the belief that we may anticipate a similar violation of the contracts of this country, and destruction of its currency, at every violent revulsion. The members of our stock exchange have found out that, when stocks are depressed by a pressure, and they are threatened with ruin, they can save themselves, and raise stocks twenty or thirty per cent. by compelling the banks to suspend specie payments. The banks have discovered, too, that they have absolute dominion over our State Legislatures, through the power which they exercise over the currency and the country. Indeed, it is probable that, in a period of alarm, which exists in every revulsion, trade may solicit the banks to suspend their payments. It may not happen that all the banks will suspend; but nothing can prevent many of them from falling in every revulsion, but an entire separation of their concerns from those of the Government.

The State bank deposite system has most unquestionably failed, notwithstanding it is still supported by a few, but a very few, friends of the administration. The present crisis drives us to the necessity of choosing between a Government national bank of vast power, and a simple Treasury agency with no other power than that which this Government has always exercised in collecting and disbursing the public revenue. Although gentlemen have not yet the courage to unfurl their banner everywhere, yet there can be no doubt there is still to be a struggle for a national bank. The gentleman from Pennsylvania [Mr. SERGEANT] tells us we flourished under the auspices of such an institution for forty years, and that the experiment was fully tried, and was triumphant. It was certainly fully tried, but I deny that it was triumphant. It was at all times a frail foundation for the vast fabric of credit of this country. The suspension of specie payments by the Bank of England in 1797, protected the first bank till its charter expired. I do not know that its solidity was ever tried but once, when an eminent merchant of Salem would have broken the branch at New York, and consequently all the other banks, if it had not yielded to his demands. As to the late Bank of the United States, we have the authority of two of its presidents: one tells us that in 1819 no man believed the bank would continue to pay in specie for one month; and the other, that in 1825, the currency of the Union depended upon his midnight journey from Philadelphia to New York. A very solid foundation this for the trade, currency, and contracts of a nation! As to its conservative power over State banks, we have had innumerable failures of them during the existence of both; and all the money which we have actually lost by local institutions, amounting to more than a million, was lost when the late bank of the United States was in operation.

A national bank, such as we have had, was an experiment indeed, and a fearful one too. It was without a parallel in the history of Governments. I appeal, sir, to the gentleman from South Carolina [Mr. LEGARE] whether France or England ever chartered a national bank to employ the revenues of Government in commercial discounts, to regulate exchange, or to furnish a national currency founded upon the credit of private stockholders? If the banks of England or of France were permitted to use the vast revenues of these countries in extending facilities to trade, and their income, like ours, was constantly vibrating between an enormous surplus, without a public debt to absorb it, and a sudden deficit of revenue, it would be disastrous to the trading and banking interests of all Europe. Nor was such bank ever established to regulate exchange. The gentleman from South Carolina well knows that the exchanges of Great Britain, Ireland, and of all Europe are managed by local banks and private bankers, and that the latter are almost exclusively employed for that purpose on the continent. They are infinitely better managed there than they ever have been here. The laws of trade alone can regulate exchange. But even their operation is defeated by the course pursued by the banks in this country, and especially the Bank of the United States and the deposite banks. They have encouraged a wild spirit of speculation, by discounting millions of exchange not founded upon property, but a mere exchange of credits between distant points, and of notes payable at a hundred places in the interior, counter to the current of remittance to the Atlantic cities. The main cause, however, of the derangement of our internal exchanges is one which is unavoidable; that is, the periodical and sudden decline in the great staple of remittance required to discharge the debt annually due from the Southwestern to the Northeastern States. There is more elasticity in our foreign exchanges; and with a judicious reform of our currency we have little to fear. Our commercial tables may alarm us, but they afford no satisfactory evidence of the amount of debt due and actually payable abroad at any one period. We know not what portions of our importations of specie and merchandise represent the proceeds of our exports to foreign countries, and what part of them arise from the sale of our stocks and bonds; from the transfer of the emigrants' property to this country, and from the steady current of capital which is uniformly flowing from the reservoirs of Great Britain, France, and Holland into this country, seeking permanent

investment. When we see some thirty, forty, or fifty millions against us, we forget that we see but a part of the account. Our imports must necessarily exceed our exports permanently, while we perpetually receive, through these sources from abroad, an increasing amount of capital far beyond any remittance of dividends. We have more to fear from our vitiated currency than we have from our foreign exchanges.

Neither, sir, is a national bank required to furnish us with a currency. The Bank of France issues no note under five hundred francs. The issues of the Bank of England are, essentially, exchequer bills, or what we should denominate Treasury notes without interest. They are founded upon the credit of Government. The whole capital, deposites, and circulation of the bank are invested in loans, in various forms, to Government. The people of England are taxed to pay the interest on their own money and their own credit, to be divided among the stockholders of the Bank of England! However unjust this financial system may be, it would be more disastrous to Great Britain and Ireland were the deposites and circulation invested in commercial securities. The private discounts of the bank form but a small proportion of its transactions. It is a Government bank, and as its circulation is founded on public securities, the profit on it should be a public concern. If such issues, which are essentially the credit of the State, were not made a source of profit to banks, the power would never be abused.

Happily for this country, sir, this experiment of a national bank has not been tried, and has not been triumphant. Had we made perpetual a bank authorized to control the commercial credit, the banking institutions, the revenue, and the currency of this country, we should have conferred on one man a greater power than the people and the States surrendered by the constitution to all the departments of this Government combined. In his hands would have been the power to regulate the price of labor and the value of property; to elevate trade to the highest point of speculation, and to prostrate it in a moment; to draw into one vast circle the incorporated wealth of the nation; to concentrate and direct its power; and so to regulate the movements of his institution, by its expansions and contractions, as powerfully to influence our elections. Whether governed by his fears or his ambition, the destiny of the nation would have been in his hands. He might, as we saw some years ago, by his imbecility, ruin trade, break the banks, and endanger, if not destroy the currency; or, as we now see, his ambition might tempt him to consider his institution as a political engine; he might attempt to regulate the succession to the Presidency. This was the experiment, sir—this was the design in 1791. Fortunately for the country it has failed—the people, not the bank, have triumphed; and as it regards the President who accomplished it, the wreath of Orleans may perish, but the gratitude of his country can only expire with its liberty.

Mr. Chairman, we have but one alternative left. We must collect, keep, and disburse our own revenues. This proposition was made in 1835, by a gentleman from Virginia, [Mr. Gordon,] then a member of this House. He proposed to employ our own officers for these purposes, to appoint receivers general at certain points, and that "the whole revenue of the United States, derived from customs, lands, or other sources, shall be paid in the current coins of the United States." In replying on that occasion to the gentleman from Virginia, [Mr. Robertson,] who is now near me, I stated that "I concurred entirely in his principles;" that I considered it my duty, at that time, to regulate, "in the best practicable manner under [then] existing circumstances, the deposite of the public money;" that we could manage our finances "if here was not an incorporated bank in the Union;" and that I hoped "the time could come when we should be able to dispense with the agency of all banks, especially those of circulation." That time has arrived, sir, much sooner than I expected. It is forced upon us by the banks themselves. In 1835, they had been selected by the Secretary of the Treasury, and I had two motives for continuing them as our agents, which I then stated. One was, that I thought them the "safest places of deposite;" but I now see that safety—ultimate safety is of little importance, if the Treasury is to be periodically deprived of the use of its funds. The other reason was that now given by the gentleman from Virginia, [Mr. Mason,] that the deposite banks might aid in reforming our currency, by withdrawing their small notes. Between that gentleman and myself I am sure there cannot be any difference of principle, for his course has been democratic and constitutional. But, sir, I submit it to his judgment, whether experience has not proved that such an experiment upon the currency has been, and must be, wholly abortive. Suppose our agents withdraw their small notes from circulation conformably to our law, have we not seven hundred and fifty other banks employed in issuing them as fast as they are withdrawn? You might effect some reform if you employed the whole eight hundred, but not otherwise. But, if you were to propose that, is it probable that the banks in the interior, half of whose profits arise from circulation, would accept your agency? All the reform we can effect, is by confining our Treasury to specie and evidences of public debt. The small notes and the banks must be left to the authority that created them—the State Governments, with whose duties it is not our province to interfere, directly or indirectly.

But how has this simple proposition to collect our revenue in coin or evidences of debt, and to disburse it through our own officers—a proposition almost as old as the world—how has it been received? Why, sir, it is denounced as an experiment never before attempted—as a dangerous innovation—as something monstrous. One would suppose, from the language of gentlemen, that we were about "to subvert the whole social fabric," to revolutionize the age, and, through a rapid dissolution of morals, intelligence, and liberty, go back, as the gentleman from South Carolina [Mr. Legare] says, to the age of "iron money and black broth!" Why, sir, we have been, happily without being conscious of it, in a very lamentable condition for five months past; we have been, ever since the 10th of May last, actually circulating iron money, and drinking black broth! Luckily, however, the trade of the country, and the country itself, have very much improved since then, notwithstanding this Spartan discipline.

But what are the objections to the measure proposed? The unsafety of the public money. This is certainly an age more distinguished for discovery than experiment. After having trusted our public officers with the public money for near half a century, we have suddenly discovered that it is now to be "plundered" by these "faithless agents." Prior to 1800, every bond was collected at your custom-houses; and, throughout the whole history of our revenue, every dollar, whether from lands or customs, has been placed to the credit of our officers before it was transferred to the credit of the Treasurer. The cashier of the New York custom-house collected five millions last year; one of your land receivers had, in the course of the year, two millions to his credit, and the collector of New York some sixteen or seventeen millions. Since 1789 we have had about eight hundred millions to the credit of our public officers, and gentlemen have just found out that we are for the first time about to confide in them, because we propose they should keep, under the direct supervision of other officers, that which they now have passed to their own credit, without any check or guard whatsoever. Your disbursing officers are also entrusted with the public money. Your receivers, collectors, and disbursing officers may apply the public money to what purpose they please,

and, under existing laws, we have no security whatever but their bonds. We propose to enlarge this security; to place guards over them on the spot, and to have visiting officers, besides, to see that the keeper of the public money and his supervisors all discharge their duty with fidelity to the Government. We propose to secure the revenue by stronger regulations than any that have hitherto existed. France has tried this experiment with an annual revenue of about two hundred millions of dollars, and we dare not try it with a revenue of twenty. Defalcations have occurred, and would occur, under any system. But ours has been a loose one, and, unfortunately for the argument of the gentleman from Virginia, [Mr. Garland,] all the defalcations he refers to have occurred under our laws as they now are, and during the very time when the United States Bank or the State banks were employed as depositories of the public money. Sir, if gentlemen can contrive any plan of special deposite, which will not be abused by permitting the public revenue to be used by the banks, or which will not aid in the circulation of their notes, it might be adopted. But they will find it very difficult to devise any special deposite system which will not be evaded by the banks.

Another objection is the prodigious increase or Executive patronage. One gentleman, not of this body, has stated (as I have seen it reported) that we are about to enlist an army of a hundred thousand public officers. Why, sir, if we did not add one officer to the number now in the public service, there would be, as there actually is at this time, no difficulty whatever in collecting, keeping, and disbursing our revenues. Convenience may require the addition of a dozen clerks; greater security might be effected by employing half a dozen receivers general at points where the revenue exceeds the amount of the officers' bonds; and, to perfect that security, you may appoint two visiting agents. Were we to go further than the bill proposes, and appoint all these, is that patronage to be compared with the political influence exercised over your eighty-eight deposite banks, with their two thousand officers and directors, and some fifty thousand stockholders? Sir, the argument is unworthy of refutation.

The gentleman from Virginia [Mr. Mason] proposes, if I understood him correctly, to collect our revenue in specie, or its equivalent, and to make our disbursements in local bank paper. This is an extraordinary proposition, especially from one so devoted to the constitution. What, sir, collect our revenues in coin, or its equivalent; extort the last fraction from the public debtors, and then turn to our creditors, and avail ourselves of this general act of bankruptcy, which the banks have established for the country, by their joint resolution to suspend specie payments! Are we to receive coin, or its equivalent, all over the Union, and pay our debts in depreciated paper, varying from five to forty-five per cent.? I think the gentleman from Virginia will, upon reflection, abandon a proposition so unjust to the public creditors, and founded upon so palpable a violation of the public faith.

That, however, which seems most to alarm gentlemen, and especially the gentleman from Pennsylvania, [Mr. Sergeant,] is, that we are to have two currencies, as the gentleman tells us, "one for the Government—another for the people;" "the people do not sit at the same table." Is this intended for argument, sir? I hope not. But, as the gentleman from Pennsylvania has prepared his table, and appears to be so solicitous to provide something for the people, I would advise him to take his seat, and to place before him his favorite dish, that "spurious progeny of local paper;" and then to invite a distinguished gentleman from the other wing of the capitol to take his seat at the other end of the table, and spread before him his "mortified mass of the body politic," though, by the way, no favorite of his. Then, sir, let these two distinguished gentlemen issue their proclamation to "the people," and invite them to participate. Will they come to the feast prepared for them by the gentlemen from Pennsylvania and Massachusetts?

Mr. Chairman, arguments not addressed to the understanding have no permanent effect. If gentlemen mean any thing by their two currencies; if they mean that this Government shall collect its revenues in depreciated local paper; if they propose to collect our taxes from the States, and to receive payment for our public lands in eight and twenty different currencies, let them boldly take their ground, and not evade the question by popular appeals. Let them set the constitution at defiance, and offer a premium to every State and Territory in the Union to depreciate its bank paper, for the purpose of diminishing its taxes and the price of the public lands; let them forever postpone the resumption of specie payments, and disorganize the Union. Gentlemen dare not, as a party, take that ground: they know that the revenue must, and will, be collected in specie, or its equivalent, in a medium common to all the States, or there is an end of our present constitutional Union. Sir, as to this question of two currencies, what is it? If bank notes are equivalent to specie, the people have two currencies, and the Government but one.

One would suppose, too, we were about to monopolize all the coin in the country. Why, sir, of the whole metallic circulation, assumed at eighty millions, the Treasury would require but a sixteenth part: the banks would have five-and-twenty, and "the people" fifty millions for general circulation. Even of the five or six millions of coin which might be abstracted from the general mass, one half at least would be represented by Treasury warrants in circulation, founded upon the specie in deposite. There would be at no time more than two or three millions of specie in your depositories in every part of the Union not represented by these warrants. As to an excess or surplus beyond six millions, that will never occur; because Congress will now be compelled to do what ought to have been done when the public debt was extinguished: they must make permanent provision for guarding against a surplus, by investing the excess, whenever it is beyond six millions, and throwing the specie at once into circulation, and then to exhaust such surplus by a graduated reduction of our taxes. This accumulation of specie, which excites so much apprehension, is, in my view, the strongest recommendation of the proposed measure. It will keep our revenue down, and avoid the recurrence of a surplus to distract our councils, and make the States dependent upon our federal Treasury. It will be a regulator of trade far better than the foreign exchanges. It will indicate the approach of overtrading, and not, like the latter, rise after the mischief is done. To the banks it would be a steady and salutary check, in preventing the excessive and unwarrantable issues of their credit, by bank notes or otherwise, in periods of speculation—not for the purpose of circulation, but to furnish fictitious capital, by a mere exchange of credit for credit, to stimulate excited enterprise, to abuse credit, and to terminate in revulsions, ruinous to trade and calamitous to the laboring classes.

The gentleman from South Carolina [Mr. Legare] objects to the measure, because it would make "New York the grand market for specie, and all the rest of the States tributary." I was happy to hear that he was not the author of this suggestion. I hope, sir, the honorable Senator [Mr. Preston] to whom he referred, is also not responsible for its origin, for it is utterly without foundation. I had seen it before in an essay ascribed to a gentleman of South Carolina, of great experience as a statesman, financier, and banker, who has suddenly and zealously enlisted against us. Whether this objection rests upon the authority of either or all these gentlemen, the author of it evinces

a very limited knowledge of the financial operations of our Government. What would be thought of a Secretary of the Treasury, who would discharge the duties of his office so absurdly as to transmit the public money from other States to New York, where two-thirds of the whole revenue from customs is collected, and where a large surplus (except now when the revenue is everywhere suspended) uniformally exists, beyond the amount required for expenses in that vicinity? His duty is directly the reverse. The excess of revenue at New York must be placed in other States, where it is to be expended. But, sir, how is it transferred—does a dollar in specie go for these purposes, or for Treasury remittances, between different parts of the Union? Not one. We may require small amounts, as we always have done, in specie, for complying with Indian treaties, and for some of our expenditures abroad; but in all the great operations of the Treasury, no balance is transferred from city to city or State to State in specie. The warrant is issued upon the place where an excess exists beyond what is wanted there; it is sent to the point of expenditure, and travels through the medium of trade, or the banks, to the place where the money is deposited, and the specie is drawn by the bank from the depository. So far as the Government is concerned, the coin remains where it is collected, and merely circulates between the bank and the depository. Such is the extent of these specie transfers which are so alarming to distinguished gentlemen from South Carolina.

We have now to notice a formidable objection. It is said we propose to establish a universal and exclusive metallic currency, and, in the language of the gentleman from South Carolina, [Mr. LEGARE,] to effect "an absolute subversion of all credit and all commerce—an utter destruction of the whole fabric of society." This is indeed, sir, an age distinguished for discoveries. We have been for years endeavoring to secure, through our federal legislation, a broader basis for the vast fabric of credit in this country. Gentlemen have cordially co operated with us in accomplishing a purpose almost universally acknowledged to be necessary to give stability to trade, and solidity to our tottering banking system. But when we propose a measure calculated to forward effectually an object so essential to the morals and prosperity of the Union, they suddenly discover that our design is to break up the very foundations of civilized society, to return to "iron-money and black both"—to absolute barbarism. Gentlemen well know that, whatever may be our abstract opinions as to the effect of paper money on the morals and condition of society, no man in this "bank note age" can expect more than to reform the abuses of the system. But before they so roughly denounce the principles of those with whom they are politically associated, I would admonish gentlemen to con-ult together, and come to some understanding as to what they mean by "an exclusive metallic currency," and the "destruction of the credit system." The gentleman from South Carolina, [Mr. LEGARE,] and the gentleman from Virginia, [Mr. GARLAND,] considering how harmoniously they act together, have placed themselves in an awkward attitude before the country. The former gentleman denounces the currency of France as the author of her poverty; the latter eulogises it as the soundest in the world, and recommends it to us as a model for our imitation! And now, sir, what becomes of all the violent denunciations of the gentleman from Virginia about this monstrous attempt to introduce an exclusive metallic currency? Who had gone beyond the gentleman from Virginia? No bank note circulates in France of a less denomination than five hundred francs, and the whole amount is but about twenty millions of dollars in paper to four hundred and fifty millions of gold and silver. Is that a metallic currency? Is the credit system destroyed in France? Sir, the gentleman from Virginia will find, upon an examination of his own doctrines, that it will embarrass him to explain in what essential principle relating to currency he is opposed to the present administration.

The gentleman from South Carolina may also discover that his principles are not so hostile as he imagines to the separation of bank and State. Why, sir, he admires the Scotch banking system, the very essence of which is its freedom from all legislative interference. The union between Parliament and this branch of trade has been long since effectually dissolved. Trade, and not Government, regulates the quantity of banking capital in Scotland. He seems struck with admiration at the splendid results of "the credit system" in that country, and ascribes them to the substitution of paper for a metallic circulation. The gentleman mistakes the shadow for the substance. The astonishing industry and wealth of Scotland, and the moral condition of her people, are owing, among other causes, to the absolute freedom she has enjoyed in banking, the best regulator of all trades when free. The act of 1708 did not extend to Scotland; she was not under the dominion of the Bank of England. She had no gigantic institution to break her local banks periodically, and to throw thousands, nay, millions, of laborers out of employment. Beyond the Tweed, capital, free from all restrictions, flowed into this channel, and kept pace with labor, population, trade, and wealth, and sustained the vast increase of her commercial credits. The banks of Scotland are an improvement upon the plan of our savings institutions. They have in that country not only a large amount of banking capital, but more than a hundred millions of dollars, drawn from all classes of society, in deposite upon interest, yielding a profit to the community as well as to the banks; thus mutually benefiting the capitalists and the country, and encouraging frugality and enterprise. Her "credit system" rests upon a foundation almost as broad as the whole property of Scotland. Her stockholders are not, like ours, exempt from responsibility. The public interest and security are not, as with us, sacrificed to encourage the growth of corporations—of partners not individually liable for their debts, and not responsible to the country for their management. Her banks are essentially the guardians of the poor, as well as the regulators of trade. It is to these circumstances we may chiefly ascribe the rapid growth of Scotland, notwithstanding her disadvantages of soil and climate, and without the appendage of an impoverished laboring population, as in England and Ireland. It is wholly immaterial to Scotland what may be the character of her circulation. She is an interior province; exchanges do not press upon her; England intervenes and sustains the shock. Like our country banks, theirs have little use for specie; and, like them, they have their "specie fund" in the centre of circulation. Had she been on the borders of the British channel, where her local circulations would come in contact with the metallic currency of the continent, she would have long since discovered that, however convenient small notes may be, the imaginary convertibility of bank notes into coin is but a frail protection to labor, and a weak foundation for the credit and contracts of a nation. Protected by her interior position, as well as by skilful management, her population has escaped some of the consequences of this abuse of credit.

But the chief object of the admiration of the gentleman from South Carolina was the triumphant result of the credit system in England. Why, sir, nothing can be more unlike than the credit systems of England and Scotland, as they were prior to 1826, both in their characters and their results. The one was a system of despotism, the other of liberty. The one filled the country with pauperism, the other kept labor steadily employed, and, with parental guardianship, hoarded the small accumulations of the poor. But it was in England that the gentleman saw "the grandest work of civilized life in any part of the world"—the

splendid result of her credit and banking system. Sir, while the classical and intellectual gentleman from South Carolina was admiring the Corinthian grandeur of this proud fabric of the credit system, in the ecstacy of his admiration, he forgot that he was standing on a vast ruin of violated rights; lost in his sublime contemplations, he heard not "the accents of despair," nor the wailings of poverty, uttered by millions who had fallen victims to the credit system of England. He had not probably examined the poor man's record. He could not persuade himself to believe that, amidst all this bustle, life, and splendor, all this wealth and grandeur, he was in a nation of paupers. He could see it all in his travels through impoverished France with her metallic currency, but not in England with her credit and banking system. Well, sir, here is that record of its results, which escaped the gentleman's observation. Two millions four hundred and ninety-three thousand four hundred and twenty three families "receiving relief not included in the returns for this year." But it is added in this work, published by the London Statistical Society, "judging from the results here exhibited, the paupers form the greatest portion of the whole population." Such, Mr. Chairman, is the foundation upon which rests this "grandest work of civilized life," this triumphant evidence of the blessings of the English banking and credit system.

[Mr. LEGARE inquired the date of the work.]

The work was published in 1827; the statistical table of pauperism is for the year 1821-'22. [Mr. L. added that there was a change since then.] The poor laws are reformed, it is true; but was not capital emancipated from the dominion of the Bank of England in 1826? was not banking, for the first time, set free in the great commercial and manufacturing districts? Sir, I have travelled a little, too. I have contemplated with delight the rich treasures of the Louvre and of the Vatican; the sublime Doric and the proud Corinthian; but it was in the beautiful valleys of France and Germany—on the Rhine and on the Elbe—it was amidst the mountains of Switzerland and Wales that I saw, without regard to questions of currency, or even forms of government, sound morality and personal comfort; it was these scenes that reminded me of our western paradise. And, sir, I could but regret that the tenants of those mountains and valleys were governed by that concentrated power of associated wealth which rules Governments, controls monarchs, and regulates the destiny of every nation in Europe.

Mr. Chairman, we have a great constitutional duty to discharge. We have to regulate the coinage, and by requiring the collection of our revenue in a common medium, to secure equal taxation to the States of this confederacy, and to preserve for the whole people a measure of value of ancient origin, for labor, property, and contracts. In discharging this duty, we have not only to encounter the vices of our complicated banking systems, but also a revolution which has been going on more than a century, and one which threatens in the end to substitute a mere exchange of credits for the ancient standard of nations. It commenced with the charter of the Bank of England, in 1694. This substitute first appeared in the form of notes of twenty pounds; in 1759 it was reduced to ten pounds; in 1793 to five pounds; and in 1797 the bank suspended specie payments, and commenced issuing one and two pound notes. After a fatal experiment of five and twenty years—fatal to the morals and welfare of the people, however necessary it may have been to Government—the bank resumed specie payments in 1822. The currency was reformed, and all notes under five pounds (about equal to twenty five dollars) were prohibited in England and Wales. This was not, however, the most material reform.

The restriction on banking, which had been imposed in 1708 to protect the monopoly of the Bank of England, was repealed in 1826. For one hundred and eighteen years no association could be formed for banking purposes with more than six partners. Under this system, the trade and currency of England were periodically convulsed. The great regulator of banking in that country, by its own alarms and powerful efforts to save itself, brought down country banks by the hundred in every revulsion, prostrated trade, and threw millions of the laboring population out of employment. The violent revulsion of 1825 brought about the reform of 1826; and "with the consent" of the Bank of England, her monopoly was partially relinquished, and the great commercial and manufacturing districts were permitted, like Scotland, to form as many banks as they pleased. England has escaped some of the violence of the recent revulsion. Her banks have not suspended specie payments. The Bank of England was not saved, as in 1825, by an accidental discovery of one pound notes! It was not because there had not been overtrading in England; far otherwise. There never was a period when there was more extensive speculation in every branch of trade, and when her capital and credit were more widely extended in every quarter of the globe. How has it happened, then, that she did not suffer as in 1825? Because the revulsion in that year broke down the monopoly of the Bank of England; because capital, freed from its dominion, flowed with astonishing rapidity into that branch of trade, and was ready to meet the sudden and large addition which speculation had made to the mass of commercial credits. Some of these associations, it is true, were embarrassed by the revulsion; the wonder is that more were not brought down by it. They were all of recent origin; and this trade had been effectually prohibited for more than a century. These were not the only reforms. That remnant of barbarism, the usury law, was also in effect repealed, by exempting all bills having not more than ninety days to run from their operation; and this has been subsequently extended. The rate of interest, sir, is the safety-valve of credit. It should be permitted to rise and fall with the pressure upon the money market. In this country we have locked it down, and doubly prohibited the free use of capital. The inevitable consequence is periodical explosions. But with all these reforms, it is still the policy of England to substitute credit for a metallic measure of value. That credit, it is true, is not so vitiated as it was; but by making Bank of England notes a lawful tender, and by authorizing the joint-stock associations to issue their notes, redeemable in these notes, they have laid the foundation for revulsions in trade, which are not yet developed. These associations had not been long enough in existence to show to what amount they could increase their circulations, though long enough to prove how rapidly they could increase them. While the use of credit founded upon property should enjoy absolute freedom, the abuse of credit, by issuing that which is founded upon credit, should never be encouraged by Government.

The most powerful antagonist, however, of a uniform measure of value is our own banking system, unquestionably the worst in the world. If we had no other motive, we should be compelled to collect our revenue in a metallic currency, in order to preserve something in the country as a standard of value. We have six and twenty Legislatures and two Territorial councils steadily at work enacting laws to banish specie from circulation. The present crisis, no doubt, must produce reform; but it cannot be expected to be immediate or general, so long as our laws are made by those who entertain hostile principles of Government, especially on this question of currency. It is true, there is a common conviction that our banking system is bad, and that our local circulations require reform; but when will that ever be effected, if we surrender up our constitutional standard? If we do not lay the foundation her,

our banking system will never be reformed. It is impossible to imagine a system more discordant, and more embarrassing to trade, than the system of the United States as a whole. Capital is not at liberty to flow into this branch of trade as in England and Scotland. Government must regulate the quantity in each State. Our State Governments might with equal propriety and wisdom regulate the quantity of capital in every other branch of trade. And what is the consequence of this legislative interference with banking? Why, sir, two of our cities have each more banking capital than the State of New York, with her hundred cities and towns, and with more than two millions of population. The commercial emporium of the Union, the centre of circulation, the point upon which the whole fabric of commercial credit, internal and external, presses at every revulsion, is permitted to employ, in this branch of trade, some twenty millions—about one-third the banking capital of a neighboring city. Such legislation is as absurd as it is unequal. It is calculated to unregulate trade and embarrass the banks.

Banking, legitimate banking, is a trade, and should be as free as all other trades. Let it regulate the quantity of capital, and this branch will keep pace with all others; it will increase with the increase of commercial credits, and with the growth of trade. As the demand increases so will the supply; and no portion of the capital of the country will be unemployed. This is the secret of the success of the Scotch banking system, which is weakened, and not strengthened, by her small note circulation.

Currency, sir, is not a trade. Governments will be called upon to decide whether an attribute of sovereignty shall be exercised by trading companies, and, if so, to what extent. They must determine whether such companies are to be permitted to furnish the world with their credit as a substitute for a metallic standard, with liberty to increase and diminish it at pleasure; for that is the result which seems approaching. The great question to be determined is, are trading associations to be authorized to issue a species of State credit, and to collect a revenue, now amounting to six or seven millions annually, and constantly increasing, and to indemnify an abused community by producing periodical bankruptcy, poverty, and want! The gentleman from South Carolina knows that almost all the distinguished authorities are against his "credit system."

It is a conceded point, that the regulation of the quantity of currency which is the measure of value ought not to be entrusted to those whose profits are increased by abusing the trust. You might as well at once surrender to these corporations the power to regulate the value of our coin, and let them adulterate it, or arbitrarily raise its nominal value at their pleasure, as monarchs formerly did, to the ruin of their people. Upon what ground is it that Governments have been induced to give their aid in substituting the paper of trading companies for the current coin of the world? An increasing demand for a medium of circulation and a deficiency of the precious metals. The former is admitted, the latter I deny; and on neither ground can these issues be defended. Sir, there has been no age of the world when it was so abundantly supplied with circulation, independent of all the small notes (I mean under fifty or one hundred dollars) in Europe and America. How is it with the precious metals? In the work referred to by the gentleman from South Carolina, the quantity of money in the Augustan age is estimated at less than two thousand millions. Why, sir, since 1492, we have drawn from the American mines alone, more than six thousand millions of dollars, and the aggregate of coin, bullion, and plate in the world, is estimated at from seven to ten thousand millions. The quantity of specie might have been an object of solicitude in earlier ages; but of what consequence is it now, when, for all its great offices, we have discovered other substitutes? We have discovered a mine richer than all the mines of Mexico or Peru—the human mind. We have drawn from that inexhaustible mine, countless millions of substitutes for specie, in the form of public debts, bank stocks, and stocks of every kind; of bills of exchange, notes of hand, bank drafts, and bank checks. These are our circulations which give velocity to trade. It is these, amounting to thousands of millions, which have accelerated the growth of wealth among nations, and not the contemptible amount of your small note circulations in Great Britain, Ireland, and America. In the present age, trade provides its own substitutes for specie, in adjusting balances not only between States and nations, but between individuals, and without the agency of bank notes. Specie is only wanted to adjust balances between nations when credit is suddenly destroyed. It is, however, wanted in every country as a standard for local circulation, and to sustain the increasing amount of commercial credit. The value of property is sufficiently affected by credit founded upon credit, in the form of bills of exchange, without extending this abuse of credit in the form of currency. The former we cannot reach by legislation, and we have no right to do so if we could, however injurious its operation is upon trade. The latter interferes with the currency established by the constitution, and we should adopt every measure that we can to prevent it from destroying our standard altogether.

This revolution may be accomplished. The precious metals may eventually be banished from the circulations of the world, and we may have no other standard than bank notes. I admit, sir, that, as a mere question of trade, it would accelerate the accumulation of wealth, and the growth of our cities. But what are the sacrifices attending such a system? Do you not lay the foundation of your cities on the ruin of your population? Sir, while we sacrifice the poor, we transfer political power from the agricultural and laboring classes of society to those thousand corporations which seem to have been, from the beginning of our free Governments, the only interests worthy, in the estimation of our American legislators, to be exclusively cherished, protected, and patronised. Sir, go on with your credit and banking systems; banish the precious metals; establish your paper standard, and let the value of property and the price of labor float upon its agitated surface; let them rise with its expansions and fall with its contractions; and then, sir, gentlemen may anticipate every five years the return of the "awful winters" referred to by the gentleman from Pennsylvania. One of them is now approaching—an awful winter indeed for the poor; thousands will be struck down by poverty and want. Sir, I do not ask gentlemen for their charity. I make no appeals to their humanity, but in the name of Him who made us all, I entreat them to spare them their taunts—do not stigmatize them—let these poor laborers die in peace and of famine, in a land overflowing with the richest abundance. Pardon these victims of your policy, should they in their last hour pray that their country might be delivered from your calamitous "credit system."

Mr. Chairman, upon the firmness and integrity of the people of this country, at the present crisis, depend the condition of our society and the character of our Government. It is evidently a struggle for power by some of the corporations of this country, but I trust not all of them. It is a great issue; for every thing moral, social, and political is at stake. On such an occasion, gentlemen may well discard their prejudices—republicans have been separated on party grounds, but not on principle—they may readily unite when a question arises involving the welfare of the people, and the very existence of free Government. In a cause so just we have little to fear, and every thing to hope. I cannot believe that in the approaching contest we shall lose one sincere friend of this administration. Some have, I think, prematurely decided upon the measure now pro-

posed; they have denounced it without proper examination. I am sure no sound republican can, upon deliberation, be ultimately found against it; while, sir, on the other hand, the proposition to separate bank and State must rally and unite the democracy of this country, by whatever questions they may have been hitherto divided. They will never consent that the Treasury of the United States shall be controlled by the stock exchange of Wall street, or of the Royal Exchange; that the public revenue shall be again made instrumental in augmenting the disasters of the country; and that the Government shall be periodically embarrassed for want of means, by entrusting its funds to institutions whose fate depends upon the slightest counter movement in any part of the commercial system of the world. Nor, sir, can I believe that any sound republican is prepared to substitute the credit of our corporations for the common medium and common standard of the world. No, sir; on these questions the democracy will be found united, as they always have been whenever the honor or the interests of their country were involved, as they are at the present crisis. Let not gentlemen deceive themselves; their victories always come with our calamities, and disappear with returning prosperity. The conce..trated power upon which they depend cannot yet regulate the succession to the Presidency.

Sir, I have detained the committee too long. We challenge gentlemen to the vote. Let the gentleman from South Carolina declaim over his "iron money and black broth;" let gentlemen denounce the measure as an expedient or an experiment; let them call it a sub-Treasury scheme, or by what name they please; but let them afford us an opportunity to test its advantages to trade, to banks, the Treasury and the country. We fear not the results of the experiment.

[After Mr. Cambreleng had concluded, Mr. Wise obtained the floor, but yielded it to Mr. Hoffman, who replied to some personal reflections of his colleague in such a manner as to excite universal attention and admiration.]

Mr. WISE having again obtained the floor, at about half past 7 o'clock p. m., he said: After the rich treat which we have just enjoyed, I can hardly hope to be listened to. I have much to say, far too much to be said at once. Did I not know that it was the wish on all sides for the committee to rise this night and report the bill, I would not proceed now; and had I not at the last session reviewed the last message of the "Greatest and Best," and did I not feel it to be a more imperative duty to review the first message of his protegé and successor, I would not proceed at all. But, sir, a duty rests upon my shoulders which most gentlemen seem to shun, and I shall discharge it, though the debate has exhausted this subject, and exhausted still more our time and our patience. I mean the duty of complaining: I rise to murmur and to complain.

The gentleman from South Carolina [Mr. Legare] exhorted us not to disturb our tempers by tracing the causes of the ills we endure to their authors—it could lead to nothing but crimination and recrimination; he begged us rather to study out the remedy and to apply it to our maladies. I shall not follow the gentleman's recommendation. It may well suit the powers that be, who have always heretofore been claiming for their administration the highest praise of prosperity and infallibility, now that they have reduced the country to distress, and the Government to bankruptcy, to cry for a spirit of concilation and charity; but, as for me, I compromise not, I conciliate not with public plunderers, and I spare not those who have wilfully and deliberately misgoverned my country, and who have basely and corruptly rioted in her distresses and her wrongs. Whom have they spared? Let them answer me. Have they spared any thing worth preserving? Sir, I believe that the only true remedy is to trace the evils of the present times to their real authors, and to hold these authors responsible to a just, though it be a severe judgment. No virtue should be so severe, so austere as patriotism; it should be no respecter of persons, excuse no man or set of men, for bringing ruin on a country rich in every element of wealth; and it should visit, with the most condign punishment, that man or set of men who has usurped and perverted power for the basest and worst purposes of reducing that country, once the freest in the world, to slavery as well as beggary. There is no remedy so wholesome as that of convicting these spoilers, and taking from them the power to do further mischief.

Sir, whilst the gentleman from South Carolina [Mr. Legare] was abroad in Europe studying the condition and the policy of foreign countries, it was my lot to remain at home, and for the last four years to mark the policy, to study the motives, and watch the march of our own federal Government. Let me tell that gentleman that our federal Executive has, almost within that period of time, changed the form of our Government from a representative federal republic, to that of an elective monarchy—an elective monarchy, with the power of absolute control over legislation, and of perpetuating a succession! I congratulate this House and the nation that the gentleman has returned to his country in time to strike for her a blow with his strong arm against this nefarious measure, calculated for no other design than that of strengthening the cords of Executive power, and of riveting forever the chains which have been forged for us for the last four year; and I only regret that he was not here before to war side by side with me and others who have been laboring in vain to ward off the catastrophe which has befallen, and the crisis which now threatens the country and its institutions. If he had been here to watch the conduct and motives of our rulers, as I have been, he would be as ready as I am to arraign the conduct and impugn the motives of the real authors of this monstrous change in the form of our Government and in the condition of our affairs. Sir, I repeat that I rise for no other object than to criminate the conduct and the motives of the preceding and the present administrations. They have deliberately and wickedly, with malice aforethought, wrought this mischief, and a bill of indictment should be laid against them before the grand jury of the nation—the people! I appeal to them, and, sir, I propose to show the guilt of the culprits out of their own mouths.

Sir, contrast "the last annual message" with the first semi-annual message to this extraordinary distress session!

> "Alas, from what high hope, to what relapse
> "Unlook'd for are we fallen!"

In the very first paragraph of this extraordinary message we have the precious confession that—the experiment has failed! failed! Ay, failed! Is it possible? Can this thing be so? Ay, failed! The great chief, the Greatest and Best—he under whom it was glory enough to have served—was altogether such as we are, a man! He was not, as it was thought, a god! He was but a poor weak mortal; his wisdom was fallible! This our Cæsar did feed on meat as other men! Sir, this one truth is every thing—that Jackson was a fallible man; that he was not endowed with all virtue, all wisdom, and not entitled to all confidence and trust; this dissolves the charm; and from this one truth admitted alone, I augur better times to come. I breathe, I hope! Now, sir, will the people heed a warning, reason for themselves, act for themselves? Sir, I do not mean to declaim, I came here this night to reason with the people. I mean, God willing, to bring in review before them the collected wisdom of General Jackson's administration upon this same experiment; the messages, the reports, the essays, the speeches, documents, arguments, proofs, which were written, adduced, made, read, and reiterated, to es-

tablish the length and the breadth, the height and the depth of this same grand, safe, and sure experiment which now lies like love bleeding! Could any system, any wise plan of finance and currency be more strongly, more earnestly, more confidently recommended and urged than was this same experiment! Let us see; to the proofs. [Here Mr. Wise raised many large volumes of Executive documents and reports of committees, &c.] Here! here they are, pile upon pile—mountain high, if you choose; if these are not enough, I can touch that dome with Pelion upon Ossa, and Ossa upon Olympus, of multiplied proofs against you, (turning to Mr. Cambreleng.) Shall I read them? [Here Mr. Cambreleng begged for God's sake that he would not.] I know they are gall and wormwood to you now, but you must take a portion of the bitter draught, though I do not intend to minister to you the dregs. You must endure a portion. Sir, I omit the President's celebrated cabinet paper read in 1833, upon the removal of the deposites. I omit the reports and papers of honest Iago, Amos, the agent, to the President in 1833, upon the expediency and policy, the wisdom and virtue, of removing the deposites from the monster, and placing them in certain local banks. I cite only the Congressional documents. (See Executive documents, 1833-'34, p. 12.)

In the President's message of December, 1833, he (Jackson) told us: "I entirely concur in the view he" (the Secretary of the Treasury) "has taken of the subject;" (the removal of the deposites.) What was the view he took? The report of the Secretary of the Treasury, (Mr. Taney,) in 1833, says:

"The State banks can, I have no doubt, furnish a general circulating medium, quite as uniform in value as that which has been afforded by the Bank of the United States. Probably more so." * * "But a currency founded on the notes of State banks could not be suddenly substituted for that heretofore furnished by the Bank of the United States, and take the place of it, at the same moment, in every part of the Union. It is essential that the change should be gradual, and sufficient time should be allowed to suffer it to make its way by the ordinary operations of commerce, without requiring a hasty and violent effort."

This view was supported by the Committee of Ways and Means in the House of Representatives, the chairman then [Mr. Polk] the present Speaker. The report of that committee in 1833-'34 upon the removal of the deposites, says:

"The question then arises whether the State banks should be continued as the fiscal agents of the Government. The committee are satisfied that the State banks are fully competent to perform all the services which the general Government ought to require, in the collection and disbursement of the revenue, and to afford all the facilities to the internal commerce and exchanges of the country which have been derived from the Bank of the United States.

"The opinion has already been expressed that the State banks are competent to perform all the duties which the Government or the public convenience may require; and there are many circumstances which strongly recommend them to a preference over a bank of the United States. No one of them can exercise a general control over all the others, and expand or contract the whole currency of the country at its pleasure, to favor the private speculations of individuals, or to increase its own profits. And they can never combine together for political objects, nor hope to gain possession of the Government and control its operations."

"The State banks are now firmly interwoven with the institutions of our country, and it would be unjust, and contrary to the spirit of our institutions, for Congress to sustain a great moneyed power to overawe and oppress them, and bring ruin upon multitudes of our citizens, whenever cupidity or ambition shall tempt them to exercise their power."

"If it should be urged, as an objection to the State banks, that they cannot afford a general currency, the answer is obvious. If it were deemed necessary to create a paper currency, possessing equal credit with that of the present Bank of the United States, the object can as well be accomplished with the State banks as with the Bank of the United States." * * * *

"With these views, the committee are of opinion that the State banks ought to be continued as the depositories of the money of the United States," &c.

The same committee, on the 22d of April, 1834, reported a letter, dated April 15th, 1834, from Mr. Taney, upon the mode of selecting the deposite banks, in which he says:

"It will be seen, from this statement, that it is no part of the proposed plan to dispense with the State banks. It is obviously not in the power of Congress (if it desired to do so) to take measures for that purpose without an amendment to the constitution. And the States would not and ought not to surrender the power of chartering banking companies. The State banks are now so numerous, and are so intimately connected with our habits and pursuits, that it is impossible to suppose that the system can ever be entirely abandoned. Nor is it desirable that it should be. They are often abused, like all other human institutions; yet their advantages are many, and under proper regulations, and with the metallic basis now proposed for their paper issues, they will be found of much public advantage."

President Jackson, in his message to Congress, December, 1834, speaking of the United States Bank, says:

"Happily it is already illustrated that the agency of such an institution is not necessary to the fiscal operations of the Government. The State banks are found fully adequate to the performance of all services which were required of the Bank of the United States, quite as promptly, and with the same cheapness. They have maintained themselves and discharged all these duties, while the Bank of the United States was still powerful, and in the field as an open enemy; and it is not possible to conceive that they will find greater difficulties in their operations when that enemy shall cease to exist."

President Jackson, in his message to Congress, December, 1835, says:

"We are now to see whether, in the present favorable condition of the country, we cannot take an effectual stand against this spirit of monopoly, and practically prove, in respect to the currency as well as other important interests, that there is no necessity for so extensive a resort to it as that which has been heretofore practised. The experience of another year has confirmed the utter fallacy of the idea that the Bank of the United States was necessary as a fiscal agent for the Government. Without its aid as such, indeed in despite of all the embarrassment it was in its power to create, the revenue has been paid with punctuality by our citizens; the business of exchange, both foreign and domestic, has been conducted with convenience; and the circulating medium has been greatly improved. By the use of the State banks, it is ascertained that the moneys of the United States can be collected and disbursed without loss or inconvenience, and that all the wants of the community, in relation to exchange and currency, are supplied as well as they have ever been before. If, under circumstances the most unfavorable to the steadiness of the money market, it has been found that the considerations on which the Bank of the United States rested its claims to the public favor were imaginary and groundless, it cannot be doubted that the experience of the future will be more decisive against them. It has been seen that, without the agency of a great moneyed monopoly, the revenue can be collected, and conveniently and safely applied to all the purposes of the public expenditure. It is also ascertained

that, instead of being necessarily made to promote the evils of an unchecked paper system, the management of the revenue can be made auxiliary to the reform which the Legislatures of several of the States have already commenced in regard to the suppression of small bills; and which has only to be fostered by proper regulations, on the part of Congress, to secure a practical return, to the extent required for the security of the currency, to the constitutional medium. Severed from the Government as political engines, and not susceptible of dangerous extension and combination, the State banks will not be tempted, nor will they have the power which we have seen exercised, to divert the public funds from the legitimate purposes of the Government. The collection and custody of the revenue being, on the contrary, a source of credit to them, will increase the security which the States provide for a faithful execution of their trusts, by multiplying the scrutinies to which their operations and accounts will be subjected. Thus disposed, as well from interest as the obligations of their charters, it cannot be doubted that such conditions as Congress may see fit to adopt respecting the deposites in these institutions, with a view to the gradual disuse of the small bills, will be cheerfully complied with; and we soon shall gain, in place of the Bank of the United States, a practical reform in the whole paper system of the country. If, by this policy, we can ultimately witness the suppression of all bank bills below twenty dollars, it is apparent that gold and silver will take their place, and become the principal circulating medium in the common business of the farmers and mechanics of the country. The attainment of such a result will form an era in the history of our country, which will be dwelt upon with delight by every true friend of its liberty and independence. It will lighten the great tax which our paper system has so long collected from the earnings of labor, and do more to revive and perpetuate those habits of economy and simplicity which are so congenial to the character of republicans, than all the legislation which has yet been attempted."

Mr. Woodbury's report, of the same date, tells us—

"This Department takes pleasure in stating that the public money continues to be collected and deposited, under the present system of selected banks, with great ease and economy in all cases, and with greater in some than at any former period. The transfers of it to every quarter of the country where it is needed for disbursement, have never been effected with more promptitude, and have been entirely free of expense to the Treasury. The payments to creditors, officers, and pensioners, have been punctual and convenient; and the whole fiscal operations through the State banks have, as yet, proved highly satisfactory. Incidental to this, the facilities that have been furnished to the commercial community in domestic exchanges were probably never greater, or at so moderate rates."

Again, he says:

"It will be seen that the situation of the selected banks, as a whole, bears an enviable comparison with the rest. In all cases deemed proper, they have given collateral security, and all are believed to be entirely safe, to the extent they have been confided in. Their discounts have been in general somewhat increased, but, though tempted by the enterprising spirit of the times, not usually increased in a degree disproportioned to all their available means. They have also, in some cases, been able to aid, and have liberally aided, other banking institutions in their neighborhood, by as large and long balances and other indulgences as would generally appear to have been sanctioned by correct principles."

Now, sir, "the enterprising spirit of the times" is called by the hard name of "improvident speculation"—"overaction!"

In "the last annual message," December, 1836, the Greatest and Best still continued to say:

"Experience continues to realize the expectations entertained as to the capacity of the State banks to perform the duties of fiscal agents for the Government, at the time of the removal of the depo-ites. It was alleged by the advocates of the Bank of the United States that the State banks, whatever might be the regulations of the Treasury Department, could not make the transfers required by the Government, or negotiate the domestic exchanges of the country. It is now well ascertained that the real domestic exchanges, performed through discounts, by the United States Bank and its twenty-five branches, were at least one-third less than those of the deposite banks for an equal period of time; and if a comparison be instituted between the amounts of service rendered by these institutions, on the broader basis which has been used by the advocates of the United States Bank, in estimating what they consider the domestic exchanges transacted by it, the result will be still more favorable to the deposite banks."

After instituting this comparison, the message proceeds:

"In the same manner have nearly all the predictions turned out in respect to the effect of the removal of the deposites—a step unquestionably necessary to prevent the evils which it was foreseen the bank itself would endeavor to create in a final struggle to procure a renewal of its charter. It may be thus too, in some degree, with the further steps which may be taken to prevent the excessive issue of other bank paper," &c.

Sir, it is unnecessary to quote further. I will not quote from Mr. Woodbury's testimony before the investigating committee of which my colleague [Mr. Garland] was chairman. I will not cite passages from the valedictory—the miserable imitation of Washington's farewell address. I will not stop to show a continuous recommendation, incessant, labored, from the removal of the public deposites, in 1833, up to the 4th of March, 1837, the very day when this system of deposite in the local banks sunk never more to rise; but I only ask of you and all men to contrast what I have quoted, to compare all this with the letter of the immortal, infallible ex-President, during this summer, denouncing the pet bank system as the most base and perfidious, and with the successor's present message, confessing that the experiment has failed! And then tell me whether these men of Gotham are again to be trusted in their recommendation of another experiment! Did not the failure touch their very noses before they discovered it? If so, they were—I will not mince terms—fools! Did they foresee the failure? Where is the warning they gave? Where is the measure they took for safety? If they did foresee it, and, foreseeing it, gave no alarm, took no measures of safety, they are—knaves! They are, undoubtedly, both knaves and fools!

But the experiment has failed. Why? is the next question. Sir, why should this experiment have failed? It was wholly and solely in the control of the Executive. If it has failed, the Executive wholly and solely is to blame. They can offer no excuse; they have no pretext that their favorite bantling has expired under the unkind nursing of its enemies. The administration assumed the entire responsibility, took upon itself the sole care, and wielded the whole power of originating, maturing, regulating, and carrying out its own experiment. No minority can be blamed. We were in a minority, and too weak even to throw a stumbling-block in the way of its success; all that we could do was to predict its failure, and wofully has the prediction been fulfilled! The President alone removed the deposites; he placed them wherever he pleased, on his own terms, and under his own rules. For more than three years did the public money remain in the custody and control of the Executive hands, without authority of or regulation by law. Congress was so yielding and obedient that it left its legitimate powers derelict to Executive assumption. The President, without restraint or limit, ordered

the receipts, safe-keeping, and disbursements of the public funds at will; he took upon himself to organize a confederation of local banks, obliged his pets to raise the minimum denomination of their notes, endeavored to force them to constitute among themselves a system of internal exchange, backed them with Government credit to accommodate trade, regulated their receipts of local bank paper; he issued the Treasury circular to remove the specie basis of circulation; in short, was master of his own system. Why did it fail?

Sir, there is one remarkable fact in the history of this failure, which should not escape our attention, and which should be especially noted for our warning and our instruction. The deposite act was passed by Congress in June, 1836, and the very first report of the Secretary of the Treasury thereafter for the first time gave notice of difficulties in our finances. From the removal in 1833 up to that time, the time when Congress had again asserted its power to regulate and control the deposite and safe-keeping of the public money, the note of the night watch was, all is well! the system works well, efficiently and safely, even more so than did the Bank of the United States. But the moment that Congress again assumed its powers, the note was changed, though darkly and dubiously. No one would have apprehended, or did apprehend, certain passages of the Secretary's report, in December, 1836, as they must be understood now. The report of Mr. Woodbury, December, 1836, says:

"The money in the Treasury has been safely kept during the year 1836. Until July last, as during the two previous years, it was placed in the State banks, selected according to the discretion of this Department, on account of their high standing and favorable position for fiscal purposes, and regulated in a manner considered most secure to the Treasury and convenient to the community, as well as useful to all concerned. It is a source of high gratification to be able to add, that, while so selected and employed, not a single dollar was lost," &c. "Nor is it believed that the domestic exchanges of the country were ever lower or more regular than during that period," &c. "But since the passage of the act of Congress, of June 23d, 1836, 'to regulate the deposites of the public money,' most of the discretionary power before exercised by this Department on this subject, under previous laws and long usages, has been considered as no longer possessed; and various solicitations to use it, though some of them were in cases of extreme hardship, could not, therefore, be complied with. Relieved from great responsibility, and in many cases from much delicacy, in the exercise of it, by the passage of that act, a new system, in conformity with its provisions, and in place of the former one, was at once commenced by this Department, and has since been pursued with all the strictness and regularity which the nature of business, so extensive and complicated, would permit," &c.

How did the law create any embarrassment to the Secretary? There was a majority in both Houses of Congress; the Senate had been prostrated by the expunging blow, to make it pliant to the wishes of the Executive in the framing of this law as well as others; and the law of June, 1836, did no more than sanction the then existing state of finance, except to deposite the surplus with the States. Sir, the complaint, in plain English, was, that Congress was an incubus upon the Executive will. Moreover, an excuse was wanting for foreseen disasters; here is proof, plain and positive, that the Secretary knew that the deposites were not to be safely kept for the year 1837! The law should not be the scape-goat. The Secretary was put under the law, but the law put every thing under him. The administration carried out its experiment in its own way, had all the precautionary means of safety, and every opportunity of foreseeing embarrassments in its own power, and yet the pet banks were the first to suspend specie payments! The first bank selected after the passage of the act of June, 1836, was the first to fail, with more than a million of Government deposites on hand—the Agricultural Bank of Mississippi protested a Government draft of $130,000. The second was the Planters' Bank of Mississippi: the third was a Government bank in New York: the fourth also. In Philadelphia, the pets were the first to fail, and they were the first also in Virginia. The States favorable to the administration were the first and only States to legalize the suspension of specie payments, and to sanction by law an irredeemable paper currency. Alabama was the first State, and New York, Connecticut, Virginia, Michigan, Illinois, and Mississippi, followed suit. Such, sir, was the end of "the better currency," the swarm of yellow jackets, the flow of humbug metallic currency, in suspension of specie payments, and in the inability of the Government to pay its just debts, in less than four years from the day the experiment began!

[Here Mr. CLAIBORNE, of Mississippi, interposed with these remarks:

Mr. C. said, with the permission of the gentleman from Virginia, he would set him right as to an error into which he had no doubt been led by the current reports and newspapers of the day. No stay laws had been passed by the Legislature of Mississippi, nor had that body, by any act, sanctioned the suspension of specie payments by the banks. The Legislature was in special session when the suspension took place, but, as far as Mr. C. was informed, it expressed no opinion on the subject. Great distress and embarrassment prevailed in Mississippi; at that period, particularly, when the first shock was felt, property suddenly depreciated to less than half the value at which it had been quoted; but this distress and depreciation had been greatly exaggerated abroad, and every press at the North seemed to take it for granted that relief laws would be passed. No such proposition was made in the Legislature; the public mind revolted from the idea; men whose property was under execution, whose horses were levied on in the plough, and whose negroes were absolutely starving, were the first to insist on the supremacy of the law, and the inviolability of contracts. This was emphatically the case in the section of country from which he came. The prospects in Mississippi were now brightening. Some of our banks were adopting the most liberal and judicious measures to relieve the people and sustain themselves. The growing crop is very heavy, and will almost extinguish our foreign debt. An abundance of provisions for domestic consumption had been raised; and our creditors every where may be assured that their dues will be paid to the last dollar. We beg not for indulgence, but it is to their interest to grant it to us.]

Sir, as to Mississippi, I derived my information from the newspapers of the day. It may be wrong; I hope it is so; but, if wrong, it affects not the general conclusion from all the facts in the case, independent of the course of Mississippi. The question still remains to be answered by the administration, why has the experiment failed in its hands?

This question, sir, brings us to the causes assigned by the President. The message says: "The operations of credit are so diversified, and the influences which affect them so numerous, and often so subtle, that even impartial and well-informed persons are seldom found to agree in respect to them." And yet, sir, though this subject of credit and the causes which affect it are so delicate and subtle, though a measure touching trade, and finance, and currency, and the main support of all, credit tends nobody knows where, or to what; and though every safe and sagacious statesman will ever be ruled and guided on this subject by the light of experience, and the history of what has been tried in the past, the late and the present Executive have laid upon credit, finance, and currency, the rudest

hands of barbarism itself—have knocked down every fly-wheel and regulator of either—have destroyed all the balances of trade, and have set the machine in motion at an unprecedented rate of velocity towards self-destruction—just to try experiments! If this subject be so delicate, why has it been so harshly tampered with by experimenters? The message continues:

"It was hardly to be expected that those who disapproved of the policy of the Government in relation to the currency, would fail to attribute to that policy any extensive embarrassment in the monetary affairs of the country. The matter thus became connected with the passions and conflicts of party, &c. It is, however, a cheering reflection that circumstances of this nature cannot prevent a community so intelligent as ours, from ultimately arriving at correct conclusions."

No, sir, party itself, with all its blindness of partiality and prejudice and passion, cannot so dupe any as to make them differ about the causes of the failure of this experiment. I venture to say that there is no difference of opinion among all men of this country on this subject. The President may, with much policy, assume this difference to exist, but it is unnatural to suppose for a moment that the "impartial and well-informed" can doubt or differ, or that the ignorant and the bribed themselves do not distrust the real causes. No flattery of its intelligence can now cajole the community into the theory or belief of other cause than one, and that one cause, in one word, is—misgovernment or mal-administration! The primary cause of all this mischief, the message tells us, is—overaction! What is that? The message says, 1st. Increase of bank capital, circulation, loans, and discounts. 2d. Foreign loans and debts. 3d Domestic debts. 4th. Speculations in public lands, &c. 5th. Expenditures in improvident improvements. 6th. The diversion of labor from agriculture. 7th. Luxurious habits of the people. The message says:

"However unwilling any of our citizens may heretofore have been to assign to these causes the chief instrumentality in producing the present state of things, the developments subsequently made, and the actual condition of other commercial countries, must dispel all remaining doubts upon the subject."

Now, sir, I affirm that there are no "impartial and well-informed persons" who are unwilling "to assign to these very causes the chief instrumentality in producing the" evils of the present times. These are the causes, say I, say all. These, united with other, and impelled by other causes, have produced the mischief. The President admits that this overaction derived its first impulses from antecedent causes. What were these antecedent causes? Here he leaves us in the dark. Sir, I will tell you. These antecedent causes were the acts of the Government. "Solitary and alone," "the Government," amidst the warnings of the wise, and the cheers of the wicked, who batten on the spoils, "put all these balls in motion!" How did the Government impel these causes? Sir, a virtue ascribed to the Bank of the United States by its worst enemies was its salutary influence in checking the increase of bank capital, and the constant tendency of local banks to over-issue. In the year 1833 the war was openly commenced and declared against that institution. It was as certain to be destroyed by the President as Carthage by Rome. It was counted already as dead, as soon as the removal of the deposites was justified by Congress. As long as it existed, there was no necessity for more banking capital; it supplied the wants of trade amply, and did the business of the Government and of the people efficiently. What was the consequence of its defeat? Sir, listen to what the President himself says on that subject:

"At the commencement of the year 1834, the banking capital of the United States, including that of the national bank then existing, amounted to about two hundred millions; the bank notes then in circulation to about ninty-five millions; and the loans and discounts of the banks to three hundred and twenty-four millions. Between that time and the 1st of January, 1836, our banking capital was increased to more than two hundred and fifty-one millions; our paper circulation to more than one hundred and forty millions, and the loans and discounts to more than four hundred and fifty-seven millions."

Thus was the banking capital, in two years, increased more than fifty-one millions, paper circulation more than forty five millions, loans and discounts more than one hundred and thirty-three millions!—according to the President's statement of the effect of destroying the only safety-valve we had to secure us from this fearful overaction. This summary of the President does not vary essentially from others which I have seen. In the National Gazette of April 8th, 1837, you will find the 2d number of the essays under the signature of An Examiner: numbers which I fail not to quote, because they are truly able and philosophical commentaries upon the political economy of the times. There it is stated that General Jackson's war against the Bank of the United States, and his removal of the deposites, had, in the seven years which elapsed between the 1st of January, 1830, and the 1st of January, 1837, produced the following results:

1st. An augmentation in the number of banks from 320 to 677—an increase of 357, besides 146 branches.

2d. An augmentation in banking capital of the United States from $145,192,268 to $324,240,292—an increase of $179,000,000.

3d. An expansion in the circulation of bank notes from $61,323,898 to $185,762,506—an increase of paper money of upwards of $124,000,000.

4th. An augmentation of amount of deposites, public and private, from $55,559,928 to $154,541,894—an increase of near $91,000,000

5th. An extension of the amount of bank loans and discounts from $200,451,214 to $590,892,661—an increase of upwards of $390,000,000; a sum only $12,000,000 less than the aggregate of the increased capitals, circulation and deposites.

To test the question, whether the Bank of the United States tended to prevent an increase of banking capital, you have only to compare the increase of banking capital in the periods when the bank did not exist with the periods during which it did exist.

"The aggregate capital of the banks in the United States was—

| | | |
|---|---|---|
| In 1811, | - - - - | $52,600,000 |
| 1815, | - - - - | 82,200,000 |
| 1816, | - - - - | 89,800,000 |
| 1820, | - - - - | 102,100,000 |
| 1830, | - - - - | 110,000,000 |
| 1835, | - - - - | 196,250,000 |
| 1836, (to the month of August,) | - | 291,250,000 |

"Thus, in ten years, from 1820 to 1830, the increase of bank capital in the United States was only eight millions of dollars; whereas, in the six following years—no, not six, but only five and a half—the increase amounted to the prodigious sum of one hundred and eighty-one millions!"

Sir, this very increase of banking capital, issues, loans, and discounts, of which the President now complains so much, was caused by "the Government"—the Executive itself—in warring upon and destroying the United States Bank; and was encouraged by the Executive in stimulating the local banks with the public deposites. It was a part of the experiment itself to increase the local bank capital in order to supply the vacuum produced by the fall of the United States Bank. As soon as that institution expired, competition in banking at once commenced. The question among the States was, who shall now furnish

the circulating medium? And the question among the banks was, who shall acquire the Government patronage? It had been urged vehemently, by the friends of the United States Bank, that if the Government destroyed that institution it would destroy the circulating medium, currency, and exchange. Every effort was made by the Government to meet and answer that objection, by stimulating its pet banks with Government credit to perform all the functions and offices, commercial and financial, of the United States Bank. In proof of this, sir, I adduce the numerous and various circulars issued by the Treasury Department from 1833 up to the moment when the bubble bursted in the spring of 1837. [Here Mr. Wise read the two circulars—of July 7th, 1834, and of February 22d, 1836.]

The deposite banks were expressly told that while they had the "use, without interest, of unusually large sums of the public money, they should make some further temporary sacrifices to obtain and circulate gold, and in other respects to enlarge the specie basis of our circulating medium;" and all this was with the view of the Department to improve the currency! The banks were appealed to to establish a credit, mutual, if they chose, to redeem and reissue a certain amount of each other's bills, as they might be needed for circulation in travelling and the transmission of funds at a distance. They were regularly notified, through their agent, Whitney, how long Government deposites might remain in their vaults for them to trade, issue, loan, and discount upon. Sir, I adduce, as further and conclusive evidence, this message itself. (See page 11.)

"The use by the banks, for their own benefit, of the money deposited with them, has received the sanction of the Government from the commencement of this connexion. The money received from the people, instead of being kept till it is needed for their use, is, in consequence of this authority, a fund on which discounts are made for the profit of those who happen to be owners of stock in the banks selected as depositories. The supposed, and often exaggerated advantages of such a boon will always cause it to be sought for with avidity. I will not stop to consider on whom the patronage incident to it is to be conferred; whether the selection and control be trusted to Congress or to the Executive, either will be subjected to appeals made in every form which the sagacity of interest can suggest. The banks, under such a system, are stimulated to make the most of their fortunate acquisition; the deposites are treated as an increase of capital; loans and circulations are rashly augmented; and, when the public exigencies require a return, it is attended with embarrassments not provided for nor foreseen. Thus, banks that thought themselves most fortunate when the public funds were received, find themselves most embarrassed when the season of payment suddenly arrives.

"Unfortunately, too, the evils of the system are not limited to the banks. It stimulates a general rashness of enterprise, and aggravates the fluctuations of commerce and the currency. This result was strikingly exhibited during the operations of the late deposite system, and especially in the purchases of public lands. The order which ultimately directed the payment of gold and silver in such purchases, greatly checked, but could not altogether prevent, the evil. Specie was, indeed, more difficult to be procured than the notes which the banks could themselves create at pleasure; but still, being obtained from them as a loan, and returned as a deposite, which they were again at liberty to use, it only passed round the circle with diminished speed. This operation could not have been performed, had the funds of the Government gone into the Treasury to be regularly disbursed, and not into banks to be loaned out for their own profit, while they were permitted to substitute for it a credit in account."

In page 12 he further goes on to say:

"Since, therefore, experience has shown that to lend the public money to the local banks is hazardous to the operations of the Government, at least of doubtful benefit to the institutions themselves, and productive of disastrous derangement in the business and currency of the country, is it the part of wisdom to renew the connexion?"

Sir, who gave the use of the public money to the local banks, for their own benefit? Who made the money received from the people a fund on which discounts were made for the profits of those who happened to be owners of stock in the banks selected as depositories? Who caused this boon to be sought for with avidity? Who stimulated the banks to make the most of their fortunate acquisition? Who encouraged them to treat the deposites as an increase of capital? Who caused loans and circulation to be rashly augmented? Sir, the message itself answers—"the Government, from the commencement of this connexion!" He needed not to stop to consider on whom the patronage was conferred; the Government sanction was given to all this monstrous abuse of public trust, for reasons best known to him who now sits in the Presidential chair,—reasons which he will never mention, if nobody else does! How profligate though, and insolent, must that man be, who first stimulates another to the height of intoxication and madness, for purposes of base profit, and then turns upon his victim and tool, and derides and denounces him to the world!! Such is the conduct of "the Government"—the Ex and the In-President of the United States, towards the deposite banks! The increase of circulation, loans, and discounts was rather an effect than a cause. Money was made plenty by the action of the Government. Money plenty—there was a domestic demand for credit, which caused domestic debt; and the same cause produced our foreign debt, and large importations—our speculations in public lands, and in every species of property. The Government officers especially were interested and engaged, deeply and fraudulently, in these very land speculations; and the improvident extravagance of the Government, in appropriating immense sums to public works, drew off more labor from agriculture than all the private speculations of the nation could have done. The whole system tended and operated to hallucinate the public mind, and to corrupt the public morals. Cruel, indeed, is it, no less to the people than to the pet banks, to blame them with effects proceeding directly from the mal-administration of the Government. In no other point of view are they to be blamed for their participation in the wrong than for having trusted their great interests and their liberties to such abandoned and insolent rulers! The system of the Government was not limited to the banks; it did stimulate "a general rashness of enterprise, and aggravated the fluctuations of commerce and currency."

But the President takes comfort in his misfortunes from companionship in grief—from alleged distresses in other countries. He says:

"It has since appeared that evils, similar to those suffered by ourselves, have been experienced in Great Britain, on the continent, and, indeed, throughout the commercial world; and that in other countries, as well as in our own, they have been uniformly preceded by an undue enlargement of the boundaries of trade, prompted, as with us, by unprecedented expansions of the systems of credit."

Now, sir, we happen to have an authority upon this point, which does most conclusively show the fallacy of this position assumed by the administration; an authority, too, which beautifully illustrates the value and importance of a national bank in times of commercial and financial embarrassment and distress. Sir, I call the attention of the committee to a "statement rendered in the name of the Council General of the Bank of France, by the Count D'Argout, Governor," to a "general meeting of the stockholders, on the 26th of January, 1837." (See "The Fi-

nancial Register of the United States," September 13th, 1837, No. 6, vol. 1.)

In this important document we find a full and satisfactory answer to this part of the message, contradicting it expressly, and showing where the commercial crisis and pressure commenced. The statement says:

"The consolidation of public order has favored the extension of commerce, and has augmented the revenues of the State. Commerce has demanded of the bank the most ample means of credit; the increasing wealth of the Treasury has rendered the assistance of the bank less necessary and less useful to it. Far from regretting the diminution of our relations with it, we ought to congratulate ourselves; we therein find a certain proof of the prosperity of the country. We are happily very far from those critical periods, during which the bank had at the same time to assist commerce and to aid the Treasury. If at the latest of these epochs the bank was enabled to furnish, in a single year, 617 millions to commerce, and 253 to the Treasury, she feels honored by the recollection of it; but she felicitates herself at not being at this day called upon to employ her resources otherwise than in seconding the progress of commerce, or in protecting it against a return of those distressing vicissitudes which occasionally happen.

"It is to this last result that she has just devoted all her efforts. During the second half of the year 1836, the security of commerce appeared shaken, confidence was for a moment weakened. From the month of July, some symptoms of a partial distress had begun to manifest themselves. The march of our manufactures had been so rapid, that there could not have failed to arrive a period of reaction. Some exportations of coin, the importance of which was exaggerated, and which are now insensibly reduced, excited a certain degree of anxiety, when a crisis rather severe overtook the United States. The scarcity of specie raised the interest of money there to an exorbitant rate. It was at London that the reaction of this crisis was first felt. The Bank of England, notwithstanding the power of her means of action and her well-known skill, found herself obliged to raise the rate of discount from 4 to 4½ per cent., and subsequently to 5. The Bank of Amsterdam imitated this example. France could not withdraw herself entirely from the influence of these events, for the commerce of the whole world is more or less responsible for all its parts.

"Although this commercial reaction only reached us second-hand, and consequently enfeebled, it could not fail to develop the seeds of embarrassment which I have just now alluded to. Thus, in many towns of the kingdom, the interest of money rose to 5 and 5½, and even for a moment to 6 per cent. Money became scarce; demands for specie were addressed to Paris from different points of France, and from neighboring countries. The coffers of the bank could alone furnish it. She had then to administer simultaneously to the wants of the capital and to those of the departments, as well as to those of the adjoining States. If the bank had shown the least hesitation, fears would probably have become general. The public funds, which had already declined, would perhaps have experienced a much heavier depression; this momentary pressure might have been converted into a real crisis.

"The bank, in this situation, restricted neither the length of time which paper had to run, nor diminished the amount of her discounts. She delivered up to the circulation 108 millions of specie, and discounted 450 millions in six months. She maintained at 4 per cent. the rate of her interest, when this limit had been exceeded by a great part of Europe. It is thus that she was able to arrest or to check a movement which seemed to be assuming a serious aspect.

"But, in order to accomplish this, she was obliged to have recourse to extraordinary precaution. The specie on hand decreased rapidly; it was necessary to replace this reduction. The bank purchased eight millions of gold at Paris; she drew from abroad 10,800,000 francs in silver bullion. The premium expended in procuring the gold will sooner or later be made up. The operation on the bullion occasioned a loss of 105,000 francs. This loss has in some measure been recompensed by more abundant discounts; but, even had it been impossible to obtain any compensation, this consideration would not have prevented the Council from taking that course; it would equally have adopted it without hesitation, inasmuch as it was imperiously called for by the interests of commerce; a fact which it now frankly declares to you through my instrumentality.

"The interests of commerce, gentlemen, are therefore intimately allied to yours. The aggregate of the dividends of 1836 have given you a proof of it. You received in 1834 but 80 francs, and in 1835, 98; the year 1836 gives you 112 francs. This is the highest annual dividend that has been declared since the creation of the bank."

So much for the pressure in Britain and on the continent of Europe. Indeed, sir, I believe the fact was, though I am not confident in stating it to be so, that cotton actually fell in New Orleans before advices were received of a fall in Liverpool! This is an unexampled fact, if it were so, that produce should fall at the place of exportation before it was known that prices had diminished at the market of sale! The fact might well be so, owing to the failures of our own merchants, and the total want of exchanges at home. I have endeavored to obtain accurate information as to this fact. I have only the information, however, contained in Mr. Raguet's communication in the National Gazette of the 14th of September last, under the signature of "An Examiner;" and a letter from an intelligent gentleman of Philadelphia to a friend assures me that "the heavy failures in New Orleans [Herman, Briggs, & Co., &c.] took place about the end of February, or the 1st or 2d of March. This was shortly before the bad news was received from Liverpool."

But, sir, there were other causes of this catastrophe, proceeding from the action of the Government, besides the increase of banking capital, circulation, loans and discounts, besides foreign and domestic debts, and the other causes enumerated in the message. Besides the importation of some ten millions of silver dollars from abroad, which commenced with the removal of the deposites in October, 1833, and continued until July, 1834, and "which would not have been imported in the ordinary course of trade," and which, in part, increased the issues, loans, and discounts of banks, and the debts consequently of individuals, I proceed to enumerate the "gold bill" as one of the most prominent acts of "the Government" which caused pressure abroad as well as at home. I voted for that bill, and therefore owe an apology for my vote. The best apology I can make is the only one which the friends of the administration can make for it—I ask forgiveness, for I knew not what I did! The party and the President were bent on the glory of gold; to increase its amount in the country was "a part of the system." I could not, at the time, see how the exchange in part of a silver for a gold basis would injure us, though I confess I did not understand how it was to benefit the country, and I was anxious that the administration should have no excuse left for the failure of the experiment if it should fail, as it has. It is singular enough that more than one means which were selected to make the experiment successful and permanently efficient, have contributed most signally to its failure. So did the gold bill. The manner in which it has done so is clearly demonstrated in the 2d No. of "An Examiner." (See National Gazette of April 8, 1837.)

"Suffice it to say, that a more unfortunate measure for the country could scarcely have been devised, as I will now endeavor to make apparent.

"By the mint regulations of 1791, the relative value

between pure gold and pure silver was assumed to be 1 to 15; that is, one ounce of pure gold was assumed to be the equivalent of fifteen ounces of pure silver, and according to this proportion were the gold eagles and silver dollars, and their fractions regulated. For some years our currency was composed partly of gold and partly of silver; but it so happened that, prior to the year 1818, the relative value of these two metals had undergone a change in the general market of Europe, so that one ounce of gold could readily be exchanged for more than fifteen ounces of silver. The consequence of this was, that whenever coin was required to be exported to Europe, gold was sent in preference to silver; and this exportation continuing until the year 1822, scarcely a gold coin was, at that period, left in circulation. Even the gold which was subsequently produced in the Southern States went abroad in search of its equivalent.

"By this disappearance of gold, the currency of the United States became virtually a currency of silver. Silver dollars and their fractional parts were the coins universally employed. As the basis of a banking system, they had all the value of gold; and, if their portability was not as great, they were far more convenient than gold to the great mass of the people in the ordinary transactions of life. But this was not all. The currency of the United States was placed in a state of independence as regards the currency of Great Britain, which was of gold; so that each country, in the management of its banking system, had only to look to itself. An expansion or contraction of the paper currency of either country had but a trifling influence upon the currency of the other, and the commercial prosperity of neither was placed at the mercy of the other.

"One remarkable proof of the truth of this position is to be found in the well-known fact that the great panic and pressure for money which, in the year 1825, brought the Bank of England to the verge of stopping specie payments, and absolutely compelled eighty private banks to suspend, was not felt in the United States as a general pressure for money, although many commercial disasters resulted from a fall in the price of cotton, in which article heavy speculations had been entered into. Another proof is to be found in the condition of Great Britain during the period of General Jackson's panic above referred to. Whilst we drew from her near four millions of silver dollars in the course of a year, it produced no pressure for money in the London market. The writer remembers noticing that fact at the time of its occurrence, and he is fortunate in being able to sustain it by evidence which will not be disputed. In the report of the Secretary of the Treasury, which has been heretofore assumed as authority for most of his calculations, there is a table giving 'the aggregate amount of notes circulated in England and Wales, by the Bank of England, by private banks, and by joint-stock banks and their branches,' at the following dates:

| | | | |
|---|---|---|---|
| December | 28, 1833, | when the amount was | £27,621,104 |
| March | 29, 1834, | do do | 28,735,827 |
| June | 28, 1834, | do do | 29,207,682 |

"The importations of dollars from England to the United States commenced in November, 1833, one month after the removal of the deposites, and continued until July, 1834, when the news of the passage of the gold bill reached that country; and yet we find that, between the 28th of December, 1833, and the 28th of June, 1834, the currency of England, so far from having been contracted in consequence of that importation, was positively increased more than seven millions and a half of dollars, estimating the pound sterling at $4 80. This arose from the circumstance that silver dollars were, in England, mere articles of merchandise; and the abstraction of a few millions of them could produce no more effect upon the currency of Great Britain than the exportation of an equal value in iron or lead, dry goods or hardware.

"But this was not all. The steadiness of the English currency prevented a fall from taking place in the prices of cotton and other American produce, which would have occasioned great loss to the American shippers,* whilst, at the same time, it enabled British capitalists to extend relief to our merchants, by the acceptance of bills of exchange, or by shipments of specie.

"By the gold bill, enacted on the 28th of June, 1834, the relative value of gold and silver was changed so as to render an ounce of gold the equivalent of about sixteen ounces of silver. Another law was passed on the same day, declaring certain foreign coins a legal tender, one of the effects of which was to make the British sovereign, or gold pound sterling, equal in value to about $4 87½ of American currency; and the joint effect of the two was to render gold the preferred metal on all occasions where importations of specie from Europe were called for by the operations of commerce. From the date of the passage of these laws, the shipments from Europe were ordered to be made in gold instead of silver,† and the consequence was, that this demand reaching the coffers of the Bank of England, the great repository of gold in Europe, produced an immediate effect upon the currency of Great Britain, by compelling the banks to contract their issues. Hence we find, by the Secretary's table, above referred to, that a contraction took place in the circulation of bank notes in England and Wales, so that, on the 27th of September, 1834, the amount was reduced to £28,591,112, and on the 28th of December to £27,729,828, being a diminution of upwards of seven millions of dollars.

"From these facts, supported by the documentary evidence of the Treasury Department, as well as by sound reason, it is manifest that the passage of the gold bills identified the British and American currencies, and rendered each forever thereafter liable to be influenced by the other. Expansions and contractions can now hardly fail to be simultaneous, and henceforth, more than at the period when the sentence was first pronounced by Mr. Gorham, in Congress, must it be true, that 'the barometer of the American money market hangs up at the Stock Exchange in London.' Overissues by the English banks cannot fail to excite overissues by the American banks; for, as Great Britain is the country in which almost all our exchange transactions with the world are concentrated, if the British standard of currency be depreciated below the metallic standard of the continent, we shall feel its effects in our currency, without being able to detect it. 'Shall feel,' did I say? We do already feel it; and there cannot be a question that our present pecuniary embarrassments have been greatly augmented by the operation of this cause, resulting from one of Gen. Jackson's 'humble efforts' to restore the constitutional currency.

"With these evidences before him of the practical oper-

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"* In support of this position, the writer is able to state that, having examined the prices of cotton quoted in commercial letters from Liverpool houses of the greatest respectability, he has found the highest quotations to have been as follows, at the dates respectively mentioned, for uplands of the best quality:

| 1833. | d. | 1834 | d. |
|---|---|---|---|
| October 30 | 9 | March 22 | 9 |
| November 23 | 8¾ | April 23 | 9¾ |
| December 7 | 8¾ | May 16 | 9¾ |
| December 31 | 9¼ | June 7 | 9¼ |
| 1834. | | July 8 | 9¼ |
| January 4 | 9¼ | August 23 | 9¼ |
| February 21 | 9 | September 30 | 9¾ |

"† The aggregate amount of gold coin and bullion imported during the year ending on the 30th September, 1834, was $3,766,172, of which $1,922,960 came from England, and $824,673 from France.

"The aggregate amount of gold imported during the year ending on 30th September, 1835, was $2,325,196, of which $1,096,106 came from England, and $445,955 came from France.

"It is probable that nearly the whole of this gold was imported within the last six months of the year 1834, under orders given after the passage of the gold bill, and before the country had recovered from the shock which led to the importation of coin. There was exported during this same year, in gold, $625,679, probably during the last six months of the financial year.

ation of a law which was capable of producing the most disastrous results, General Jackson, had he understood the subject, would have abstained from any active participation in rendering it more mischievous and fatal than the ordinary operations of commerce would have rendered it. But not so. Carried away, in the pursuit of his *ignis fatuus*—his 'constitutional currency'—he arrogated to himself the right, by the arbitrary exercise of his executive authority, of imposing a tax upon the owners of the French indemnity. Those citizens were entitled by treaty to the full amount of the sum stipulated to be paid by France, without any deduction whatever, either for the purpose of glorifying General Jackson, or for the purpose of enabling him to pursue his favorite *Jack o'Lantern*. They were also entitled to their money without a moment's unnecessary delay, and the manifestly plain course which justice demanded to be pursued was, to have given each claimant a bill upon France for the amount of his claim, to be negotiated or collected in the mode which best might suit him. This course was urged upon the Secretary of the Treasury by some of the claimants, who proved it to be the cheapest and most prompt mode by which they could be placed in possession of their property; and it is evident that, had any of the claimants wished gold for his share, he could have imported it upon quite as favorable terms as the Government.* But no. The demands of justice weighed nothing in the scale, when opposed to the glory of 'the constitutional currency.' Orders were sent to France to transmit the amount of the four instalments of the indemnity paid in February, 1836, amounting to near four millions of dollars, in gold. To procure this quantity of gold, a draft was made upon the London market, which, if it did not create, at least assisted to augment, that pressure upon the British currency which commenced in April, and which every one knows has been continued, with occasional fluctuations, up to the 11th March, 1837, the date of the last advices, and which has been latterly augmented by the additional demand for nearly another million of dollars, the amount of the fifth instalment of the indemnity paid by France in February last. It is not pretended that the whole pressure on the English money market within the last year has been occasioned by the last mentioned 'humble efforts' to restore 'the constitutional currency.' Other demands for gold have existed, amongst them one by the Bank of America, the principal deposite bank in New York, and one by the Bank of the United States, rendered expedient by the rapid return of her notes for payment in the early part of 1836, owing to the substitution in their place, throughout the Western and Southwestern country, of the notes of some of Gen. Jackson's three hundred and fifty-seven new banks.

"Of the practical operations of these two 'humble efforts' upon the immediate interests of the citizens of the United States, it behooves us now to speak.

"The contraction of the British currency, as every intelligent observer knows, has been to create a pressure for money in England, which has produced the following results:

"1. The market rate of interest has been advanced from 2½ to 5 per cent. per annum on first rate commercial paper, which has had a tendency to keep money in England which would otherwise have sought investment in the United States.

"2. British merchants are prevented from accepting, with their accustomed freedom, the bills of exchange drawn upon shipments of American produce.

"3. British cpitalists are less able than before to make advances, or loans on the security of American stocks, which cuts off a large source from which capital has been heretofore supplied for our various internal improvements.

"4. British manufacturers are less able than heretofore to give credit to such of our importing merchants as require it.

"5. The price of cotton has fallen, since the first of January last, four or five cents a pound, in England, by which American shippers will lose twenty or twenty-five per cent. upon the stocks gone forward, and by which our cotton planters will be deprived of a corresponding or a greater amount, as the fall of prices at the South has already made evident.

"And now it only remains for us to inquire how have these 'humble efforts' tended to restore 'the constitutional currency?' Has the importation of thirty millions of gold and silver pushed any paper out of circulation? So far from it, the amount of paper has augmented, as we have shown, to an incredible amount. The banks all seem to have acted upon the principle that their power to emit and keep their notes in profitable circulation was just in proportion to the specie they had on hand, and accordingly we have seen that, just in the measure that General Jackson supplied them with one million of dollars in coin, they supplied the public with three millions of dollars in paper. So much for the soundness of this 'constitutional currency;' and now for its uniformity.

"On the 2d of Janury, 1830, when General Jackson, in his message to Congress, in reference to the Bank of the United States, said that 'it must be admitted by all that it has failed in the great end of establishing a uniform and sound currency,' the rates of domestic exchange were as follows, as apppears from the New York shipping and commercial list:

| | | |
|---|---|---|
| Richmond, | 1 | per cent. discount. |
| North Carolina, | 2 to 2½ | do. |
| Charleston, | 1½ to 2 | do. |
| Savannah, | 1½ to 2 | do. |
| New Orleans, | 1 to 1½ | do. |

"The rates on the 4th of March, 1837, the day after General Jackson wrote his farewell address, as quoted by the same authority, are as follows:

| | | |
|---|---|---|
| Richmond, | 1 to 1½ | per cent. discount. |
| North Carolina, | 2½ | do. |
| Charleston, | 2½ to 3 | do. |
| Savannah, | 2½ to 3 | do. |
| New Orleans | 3 to 4 | do. |

* "Exchange on Paris at New York, for a bill at 60 days' sight, between the 2d of March, and the 15th of June, 1836, fluctuated from what is called 5.25 to 5.40, making an average of 5.32½. The par exchange on Paris is about 5.35½: that is, one dollar of American currency is equivalent to 5 francs and 35½ centimes, or one-hundredth parts of a franc. The exchange then was, at the period mentioned, half per cent. above par; which, added to one per cent. which a bill *at sight*, such as the Government had a right to draw, and perhaps half per cent. for the superior security of a Government bill over a private bill, would make about *two per cent.* that the claimants would have received beyond the amount of their claims. It is true that the exchange upon France might have fallen something in consequence of the increased supply of bills, but this could not have equalled the loss which the claimants sustained by the delay to receive their money, which was not paid until July, and which was then subject to a deduction for the expenses of freight, insurance, and commissions incident to the importation of the gold.

"The best commentary, however, upon the folly of these importations is to be found in the following article, which is copied from the Washington Globe of the 1st of April:

"'NEAPOLITAN INDEMNITY.—The last New York American contained the following:

"'The Bank of America will also draw their bills on the Rothschilds, of Paris, for upwards of a million of francs.'

"'The above sum, which the Bank of America proposes to draw for, is, we, presume, on account of the next instalment falling due under the Neapolitan treaty.

"'The bank having, as we learn, an open credit to a large amount upon the Rothschilds, but being unwilling to avail of it, under existing circumstances, suggested that the next instalment, to be paid in May or June, might be anticipated under that credit.

"'The Secretary of the Treasury, we are informed, finding that the interest of the claimants, in the present state of things, would be promoted by availing of the present high rate of exchange, over any other mode of bringing home the funds, and that, to the extent of the same, they might be used to relieve the community, unhesitatingly assented to the suggestion, and directed the Messrs. Welles, the agents for receiving the indemnity, to pay it over to the Messrs Rothschilds as soon as received, to reimburse them for the bills drawn in anticipation of its receipt.

"'It is for this sum, and upon this arrangement, we presume, the Bank of America proposed to pass the bills on Paris.'"

"Let these two tables speak for themselves.

"And now, reader, with all these proofs before you, of the total failure of all General Jackson's schemes of finance can you read the following passage in his farewell address, without asking yourself whether he was really in earnest?

"'My humble efforts have not been spared during my administration of the Government to restore the constitutional currency of gold and silver, and something, I trust, has been done towards the accomplishment of this most desirable object.' AN EXAMINER."

In addition to these causes, set in operation by the Government, came the celebrated Treasury order or circular of July 11, 1836. This circular enacted, by Executive order, that after the 15th day of August, 1836, the receivers of public money and the deposite banks should receive in payment of the public lands nothing but gold and silver, and in the proper places Virginia land scrip. Frauds, speculations, and monopolies, in the purchase of the public lands, and excessive bank credits, were made the pretext of this extraordinary measure, when these frauds, speculations, monopolies, and excesses of every description, had been known for a long time to the administration, and participated in particularly by "the party," from the removal of the deposites to the moment when General Jackson was aroused vindictively to prevent the deposites with the States, directed by the deposite act of June, 1836. Whatever other difference of opinion there may be as to the effects of this order, all will agree that it removed the specie of the country from the large importing cities and the most important places of trade, and placed it in the "far West," where it was locked up in the land offices or Western deposite banks, and rendered unavailable to commerce and to the wants of trade in an anomalous period of unexampled plenty and pressure! The gentleman from South Carolina, [Mr. LEGARE,] as I understand, admits this effect of the circular, and that it accelerated a revulsion, the scarcity of which the President says none had correctly anticipated. Had the specie of the country been permitted by the Government to remain where trade required it to be, none can say that the same extent of ruin would have been felt, or that it would have been felt so soon.

Such sir, are some of the "antecedent causes" whence "overaction" derived "its first," and I may add, its last "impulses!" Forsooth, I had nearly omitted one cause, enumerated by Mr. Secretary Woodbury, which the President, in his wisdom, entirely overlooked—the over-production of cotton! The over-production of cotton!—there is an example of a financier for you! Oh! rare Levi! Much more wisely had he spoken, if he had, in ascribing the causes of our disasters, enumerated the potent reason that we had at the head of the Treasury Department a financier who regards the products of labor and industry as causes of national poverty and bankruptcy! A head that has not been wool-gathering, but picking cotton!

In the comparison of our condition with that of other countries, the President admits that "the most material difference between the results in the two countries (United States and Great Britain) has only been, that, with us, there has also occurred an extensive derangement in the fiscal affai s of the Federal and State Governments." Ay, sir, there is the rub! Why has there not been in England and in France the same extensive derangement in fiscal affairs as in the United States, whilst there has been, according to the message, "the same redundancy of paper money and other facilities of credit; the same spirit of speculation; the same partial successes; the same difficulties and reverses; and, at length, nearly the same overwhelming catastrophe?" Is it because our finances have not been managed so well, that we have had Levi at the helm, or that we had not, as France and England had, the great conservator, the life-preserver, a national bank? Sir, this "material difference" is owing to both reasons. We deprived ourselves of the means of preserving credit, disabled the ship before the storm came on, shipped an incompetent crew, and a worse pilot; and when the hurricane came—as hurricanes in trade will come as certainly as storms on the ocean—it swept over us at mercy—struck the ship of State down on her beam ends—dismasted, and leaking—and there she will lie, with hope only to aid her until the despairing mariners, now standing on her sides with spy-glass in hand, shall discover far out upon the "dim distant sea" a speck of sail sent by Providence alone to right ship, and save all hands from a watery grave! Strong canvass, new rigging, ballast and compass, and skilful crew and pilot, will not prevent the storm, but they alone can save the ship from the tempest when it blows. So with a national bank and other means of regulating finance and currency—they cannot prevent the vicissitudes of trade and commerce, or wholly arrest their ravages and disasters, but they can save us from despair and death! The report of the Bank of France proves this at this moment. That nation was not only guarded from death and despair, but restored to health, and sustained in actual prosperity, by sustaining a national bank, whilst we have been nearly destroyed by destroying one.

But, why trace the causes of this revulsion in our affairs? Sir, the administration knew from the first that the State banks were unsound. In proof of this I refer you to the letter of Mr. Taney, of the 15th of April, 1834, pages 4 and 5. He says:

"If the estimate I have made of the proportion between the paper circulation and the specie in possession of the banks be correct, or nearly so, the condition of the currency is obviously such that the nation should not be content with it, nor desire to continue it in its present state. It is an immense superstructure of paper, resting on a metallic foundation too narrow to support it. It has never been sustained by its own inherent strength, but by public confidence. When every one firmly believes that the notes of the banks will, on demand, be paid in coin, they will readily circulate, and answer all the purposes of money. But the moment that confidence is impaired, they lose their value as a part of the circulating medium, and are returned upon the banks for a redemption in specie, and the disproportion between the paper circulation and the coin prepared to redeem it is so great, that it is constantly liable to have its chief support, public confidence, withdrawn from it."

I refer, also, to a statement of the condition of the local banks, furnished about the same time by the Hon. R. H. Wilde, of Georgia, and printed by order of the House of Representatives in the session of 1833-'34. Thus, sir, the administration knew from the beginning that these agents, the local banks, could not stand the shocks of trade. The President himself says, "that the prospect of revulsion was present to the minds of considerate men before it actually came." Why was no warning given, no preparation made? Were our rulers not "considerate men?" Is it not true, as I have shown, that up to the fourth day of March last they were still crying in the night-watch, "all is well!" Sir, they knew of these causes, and they intended their effects! No matter what are the causes, the ruin is here! and the administration designed to bring it upon the country for the diabolical purpose of establishing upon this ruin a Treasury bank!

Yes, sir, the very result of all these causes of mischief, whatever they may be, is now proposed as the second system—another experiment! This result is what has bee aimed at all the time—the final triumph of Executive power—the total ruin of the liberties of the country—the complete union of the "purse and sword!" In the very midst of our calamities and misfortune, we are told to take up the very condition of distress into which we have been thrown by mismanagement and corruption, and to organize it into a permanent system of finance—ay, sir, from

one quarter, not the most inconsiderable and uninfluential source of these mischiefs, we have heard boasting and exultation at the calamities of the country. A letter written from St. Louis, August 11, 1837, signed by Big Bully Bottom, Tom Benton, "congratulates" the party in Ohio "on the success of General Jackson's endeavors to improve the condition of the currency!" Sir, that man is misunderstood—that letter does not embody impudence and effrontery so much as it sets forth the real feelings, and shadows the designs of those in power—he knows their secrets—to force upon us now the execrable end of policy which they have always aimed at—to make the Government a bank, and the President of the United States and "the party" its "President, Directors, and Co.!" This is not the desperate courage or bravado of a ruffian, who is forced to brave every danger in the last extremity, but it is the chuckling of a fiend who has really reached the diabolical end he aimed at over the distresses and sufferings and ruin of a whole people! He knows that the danger now is not the re-establishment of a national bank, but that a revolution in the Government is already effected by forcing a "scourged country" and an "humbled democracy" into a system of sub-treasuries which will subvert all our ancient institutions, and laugh this republic to scorn! Above all the passages in the message—except one, which I shall presently notice—the most pharisaical and insincere, is that in which the President says he is "sensible that adequate provisions for these unexpected exigencies could only be made by Congress; convinced that some of them would be indispensably necessary to the public service, before the regular period of your meeting; and desirous, also, to enable you to exercise, at the earliest moment, your full constitutional powers for the relief of the country, I could not, with propriety, avoid subjecting you to the inconvenience of assembling at as early a day as the state of the popular representation would permit. I am sure that I have done but justice to your feelings in believing that this inconvenience will be cheerfully encountered, in the hope of rendering your meeting conducive to the good of the country."

Sir, why was Congress called at all? Does it matter whether we act at all? Has the President not put the system in operation, and is it not in full blast? Yes, sir, by the fiat of the Executive, by a single "circular" from the Secretary's pen, is the sub-Treasury system called into being, full formed and perfect. See, sir, see with what despatch, with what unity and simplicity of action, one will controls already the destiny of this nation. See this circular, and know the will of your master:

"*Circular to receivers of public moneys.*

"Treasury Department, *May* 12, 1837.

"If the bank where you deposite should suspend specie payments, you will keep in your own hands safely the public money you have in possession, or may hereafter receive, till further directions are given to you by this Department how to deposite, transfer, or pay it, or any portion of it.

"You will report to this Department weekly the amount on hand. LEVI WOODBURY,

"*Secretary of the Treasury.*"

By this simple instrument—a circular!—have magic changes been wrought in the form and policy of our Government; it has, by such means, been truly made a "simple machine!" After having done the deed, and put the system into full operation, then Congress is called, not to deliberate, not for consultation, but to register Executive edicts, or to adjourn! He proceeds:

"For the deposite, transfer, and disbursement of the revenue, national and State banks have always, with temporary and limited exceptions, been heretofore employed; but, although advocates of each system are still to be found, it is apparent that the events of the last few months have greatly augmented the desire, long existing among the people of the United States, to separate the fiscal operations of the Government from those of individuals or corporations."

How long, I would inquire, sir, has this desire "to separate the fiscal operations of the Government from those of individuals or corporations" existed? Not longer, surely, than since the 4th day of March last. Sir, what said Mr. Taney, on the 15th of April, 1834? (See his letter to the Committee of Ways and Means, pp. 9, 10.) After saying "the State banks are now so numerous, and are so intimately connected with our habits and pursuits, that it is impossible to suppose that the system can ever be entirely abandoned—nor is it desirable that it should be"—he proceeds:

"If there were no State banks, the profitable business of banking and exchange would be monopolized by the great capitalists. Operations of this sort require capital and credit to a large extent, and a private individual, in moderate circumstances, would be unable to conduct them with any advantage. Yet there is, perhaps, no business which yields a profit so certain and liberal as the business of banking and exchanges; and it is proper that it should be open as far as practicable to the most free competition, and its advantages shared by all classes of society. Individuals of moderate means cannot participate in them, unless they combine together, and by the union of many small sums create a large capital, and establish an extensive credit. It is impossible to accomplish this object without the aid of acts of incorporation, so as to give to the company the security of unity of action, and save it from the disadvantages in the frequent changes in the partnership, by the death or retirement of some one of the numerous partners. The incorporated banks, moreover, under proper regulations, will offer a safe and convenient investment of small sums to persons whose situations and pursuits disable them from employing the money profitably in any other mode. It is not more liable to be lost when vested in the stock of a bank, than when it is loaned to individuals. The interest on it is paid with more punctuality, and it can be sold and converted into cash, whenever the owner desires to employ it in some other way. And if a larger portion of the metal is infused into the circulation, the business of banking will become more sound and wholesome, and less liable to the disasters from which it has suffered, under our extravagant and ill-organized system of paper issues. It will render investments in banking companies entirely safe and secure to the holders, and afford them the almost absolute certainty of a reasonable profit, without endangering the capital invested in it.

"For these reasons, it is neither practicable nor desirable to discountenance the continuance of the State banks. They are convenient and useful also for the purposes of commerce. No commercial or manufacturing community could conduct its business to any advantage without a liberal system of credits, and a facility of obtaining money on loan when the exigencies of their business may require it. This cannot be obtained without the aid of a paper circulation founded on credit. It is, therefore, not the interest of this country to put down the paper currency altogether. The great object should be to give it a foundation on which it will safely stand. A circulating medium composed of paper, and gold and silver, in just proportions, would not be liable to be constantly disordered by the accidental embarrassments or imprudences of trade, nor by a combination of the moneyed interest for political purposes. The value of the metals in circulation would remain the same whether there was a panic or not, and the proportion of paper being less, the credit of the banks could not be so readily impaired or endangered."

What said Mr. Woodbury in December of the same year? (See the report of the Secretary of the Treasury "On the present system of keeping and disbursing the public money." December 12, 1834.)

"With the causes of these last and most important failures happening from time to time, as the table shows, to the very last year, this branch of our inquiry has no particular concern except to discriminate them from others, and from any special connexion with the system that prevailed from 1811 to 1816. Whether they arose from an unsound policy pursued by the United States Bank, or from circumstances which, under the paper system, neither legislation nor caution can always avert, or from less justifiable reasons, and in spite of all the salutary influence the national bank could exercise, it is a singular fact, in praise of this description of public debtors, the selected banks, that there is not now due on deposites, from the whole of them which have ever stopped payment, from the establishment of the constitution to the present moment, a sum much beyond what is now due to the United States from one mercantile firm that stopped payment in 1825 or 1826, and of whom ample security was required and supposed to be taken under the responsibility of an oath."

"If we include the whole present dues to the Government from discredited banks, at all times and of all kinds, whether as depositories or not, and embrace even counterfeit bills, and every other species of unavailable funds in the Treasury, they will not exceed what is due from two such firms. Of almost one hundred banks, not depositories, which, during all our wars and commercial embarrassments, have heretofore failed in any part of the Union, in debt to the Government, on their bills or otherwise, it will be seen, by the above table, that the whole of them, except seventeen, have adjusted every thing which they owed, and that the balance due from those, without interest, is less than $82,000. Justice to the State banking institutions, as a body, whose conduct in particular cases has certainly been objectionable, but whose injuries to the Government have been almost incredibly exaggerated, and whose great benefits to it, both during the existence of our two national banks, and while neither of them existed, have been almost entirely overlooked, has led me to make this scrutiny, and submit its results, under a hope that it will, in some degree, not only vindicate them from much unmerited censure, but justify this Department for the confidence it formerly, and, in the great improvement of their condition and of the financial affairs of the Government, has recently reposed in them. Under these circumstances, so very favorable, with the new security and examinations provided for, if our former small losses by them, in keeping and paying over the public revenue, under circumstances so very adverse, are compared with our large losses, either in collecting or disbursing that revenue, their present safety seems to be as great as is consistent with the usual operations of the paper system, or with the credit which must always be intrusted by Government, in some way or other, to agents of some kind in keeping the public money. In considering their safety, it should be constantly recollected that the owners and managers of banks, when properly regulated by legislative provisions in their charters, are, like other individuals, interested to transact business securely; are desirous of making, and not losing, money; and that these circumstances, with the preference in case of failure belonging to depositors and holders of their bills over the stockholders, united with the security, if not priority, given to the Government, render them, in point of safety, generally much superior to individual agents of the United States. It is to be further remembered that many of the former losses occurred indirectly and remotely from war and embarrassments, affecting deeply the whole community as well as banking institutions, and from the injurious influence of which calamities, banks, whether of State or United States origin, can never claim a full exemption; that the correct principles of banking were at that time less generally understood and practised than at the present time; that the selected banks, by the course of our expenditures and collections, were then exposed to more onerous duties and hazards; and that less full information of their true condition was then possessed by this Department."

Such were the views of both Secretaries, and the only heads of the Treasury Department since the removal of the public deposites in 1833. In 1835, General Gordon, of Virginia, made his celebrated proposition in the House of Representatives, to receive nothing but gold and silver in payment of the public dues, and to make the receivers of public money its depositaries. Sir, it becomes me to give the history of that proposition. At the time it was made, the bill to regulate the deposite and safe-keeping of the public money was before the House, and then, too, the din of jingling promises to give us a hard-money Government, a metallic currency, and a circulation of gold, was almost deafening. I knew the promises were false and the professions were hollow then. I knew that the administration could not, if it would, do what it professed, and I was anxious only that its inability and weakness and "humbuggery" might be made manifest before its measures brought upon the country this present crisis which I then foresaw. With my colleague, General Gordon, the proposition was sincerely made. He was opposed to the constitutionality of the Bank of the United States, and distrusted the system of employing the local banks as depositories. He came to me with his scheme, and asked if I would vote for it. I told him, at first, that I would not; that it was as objectionable to me, even more so, than the other measure; that I had no scruples about the constitutionality of a national bank: and I thought then, as I think now, that it alone could insure the safety of the public money, and restore our finances and currency to a healthy and sound condition. But there was no prospect of a recharter of a United States bank, and I was forced to vote for or against the only other two measures to be adopted. He asked me, as an act of courtesy to him, to vote to let his proposition in. I consented to vote for its introduction into the House, warning him that I should finally vote against its passage if it was likely to succeed. I voted afterwards for it, on the main proposition, as many of the opposition members did, simply to show that the administration did not desire what they then professed, as now, to separate the fiscal operations of the Government from those of individuals or corporations! I knew that "the party" and that the then powers would not sustain the proposition, or I should have voted against it. It then required but few administration votes to carry the measure; but behold! as I calculated, they voted against it to a man! The vote on the proposition of General Gordon then proves, if it proves any thing, that there was no such desire, as the President says, has existed for a long time on the part of the Government, in the spring of 1835! It would be as easy to show, sir, that there was no such desire expressed as late as the 4th of March, 1837. The gentleman from South Carolina, [Mr. Pickens,] however, is right; the proposition to separate the Government from the banks, and to destroy all banking institutions, is not new; it originated with Fanny Wright; but the desire which the President describes has continued for a long time only with that part of "the Government" ycleped Thomas Hart Benton. The great expunger and humbugger was the first to introduce the locofoco doctrines into Congress, and to give them character before the nation; and let me tell my friend from South Carolina, [Mr. Pickens,] that he will be deceived who thinks to deprive Benton of his hobby—that if these destructive doctrines are to come into vogue and in favor with a majority of the people, Benton is as much identified with them as Thomas Jefferson was with the doctrines of '98, and he, (Benton,) and no other man under the sun, will ride into power on their popularity!

But, sir, however old this proposition to divorce the Government from all banking corporations may be, there is a

doctrine new under the sun contained in this notable message. The President expressly refrains from suggesting to Congress "any specific plan for regulating the exchanges of the country, relieving mercantile embarrassments, or interfering with the ordinary operations of foreign or domestic commerce, from a conviction that such measures are not within the constitutional province of the General Government, and that their adoption would not promote the real and permanent welfare of those they might be designed to aid." He says the accommodation to dometic exchanges "is now, indeed, after the lapse of not many years, demanded from it (the Government) as among its first duties," &c. When was this accommodation not demanded of the Government as among its first duties? Certainly, to afford this very accommodation was among the most oft-repeated, though oftener violated promises of General Jackson's administration, from the removal of the public deposites, in 1833, up to the 4th day of March last. Every message of President Jackson, from the one period to the other, and every report of his respective Secretaries, as well as the numerous circulars of the Treasury Department, the reports of the Committees of Ways and Means in this House, and other documents, will show that the currency of the country at large, its domestic exchanges, its commerce, and all its monetary interests, were taken especially under the guardian care and protection of this same most beneficent Government, which then promised us a better currency, and now tells us we must not look to the Government "for too much!" Surely, sir, the present incumbent is not about to falsify his promise to "follow generally in the footsteps of his illustrious predecessor;" or does he mean to follow them as my young friend from Tennessee [Mr. Crockett] felicitously expresses it, "by taking the back tracks?" Sir, it is profitable now to recur to the wholesome doctrines of the preceding administration respecting the duties and powers of this Government in relation to a sound and uniform currency. (See Executive documents, 1833–'34, No. 2, pages 5, 6, 10, 11.) In this report of Mr. Taney, after insisting "that the interests of the country would not be promoted by permitting the deposites of the public money to continue in the bank until its charter expired," he says:

"Besides, the principal circulating medium now in the hands of the people, and the one most commonly used in the exchange between distant places, consists of the notes of the United States Bank and its numerous branches. The sudden withdrawal of its present amount of circulation, or its sudden depreciation before any other sound and convenient currency was substituted for it, would certainly produce extensive evils, and be sensibly felt among all classes of society. It is well understood that the superior credit heretofore enjoyed by the notes of the Bank of the United States was not founded on any particular confidence in its management or solidity. It was occasioned altogether by the agreement on behalf of the public, in the act of incorporation, to receive them in all payments to the United States; and it was this pledge on the part of the Government which gave general currency to the notes payable at remote branches. The same engagement in favor of any other moneyed institution would give its notes equal credit, and make them equally convenient for the purposes of commerce. But this obligation on the part of the United States will cease on the 3d of March, 1836, when the charter expires; and, as soon as this happens, all the outstanding notes of the bank will lose the peculiar value they now possess; and the notes payable at distant places become as much depreciated as the notes of local banks. And if, in the mean time, no other currency is substituted in its place by common consent, it is easy to foresee the extent of the embarrassment which would be caused by the sudden derangement of the circulating medium."

He then promises that "the State banks can furnish a circulating medium quite as uniform in value" as that of the United States Bank—"probably more so;" and afterwards states "the condition of the mercantile classes at the time of the removal, to explain why it was impossible to postpone it even for a short period." These views of the Secretary were confirmed and supported, of course, by the report of the Committee of Ways and Means, made to the House of Representatives, March 4, 1834, precisely as the opposite views entertained by the present Executive are in like manner echoed by the same committee now. By-the-by, the question was asked in 1834, why the then Committee of Ways and Means was like a tadpole? It was little at both ends (two certain gentlemen being at the two ends, the one at the head, the other at the tail) and big in the middle, (Binney and Wilde being there.) The report of that date says:

"There appears also to be much force in the considerations urged by the Secretary, connected with the currency of the country and the domestic exchanges. The notes of the Bank of the United States must necessarily, in a short time, be withdrawn from circulation. That the principal currency of the country, for many years to come, will be bank notes, there is no reason to doubt; and it is certainly good policy to foster the State banks which furnish them, in measures tending to give them as general credit as has heretofore attached to the notes of the United States Bank and branches. That the natural and ascertained course of trade, circulation, and exchange, connected with the interests of banking institutions, will ultimately produce this result in relation to the notes of the principal State banks, there is every reason to anticipate; but their employment in the business of the Government, by awakening them to their capacities and interests, is calculated to hasten the consummation of so desirable an event. It was a matter of no small moment to encourage and hasten the State banks in maturing their system of circulation and exchange, so that at the termination of the charter of the Bank of the United States, the trade of the country might not encounter, at the same time the loss of a general currency, and the entire breaking up of the domestic exchanges, a partial interruption of which by that bank is now producing such serious inconvenience. By the latest returns of the banks employed by the Government, it appears that they are already rapidly taking the place of the Bank of the United States in the exchange operations."

See, also, Mr. Taney's letter of the 15th of April, 1834, already in part quoted, *passim*.

Mr. Secretary Woodbury, in his report to Congress, December, 1834, says: "The wealthy and commercial, for whose benefit chiefly banks were instituted, will then chiefly use their bills, and suffer by them if forged or depreciated; while the laboring classes and men of small means will, by the justice and paternal care of the Government, generally be provided with a currency of hard money, not exposed to any risk of failures, and to be used for all dealings of such an amount as their daily or weekly wants may in most cases require."

See, also, the message of President Jackson to Congress, December, 1835, and the report of Mr. Secretary Woodbury, of the same date, (already quoted.) See, also, the message of the President and the report of the Secretary of the Treasury, December, 1836, (already quoted.) In addition to these documents, I refer, sir, for conclusive proof that General Jackson took the currency, domestic exchanges, and the circulating medium, wholly under the "paternal care of the Government," to the report of the investigating committee, of which my colleague [Mr. Garland] was chairman, made to the House of Representatives, March 1, 1837. See the letter of the six deposite banks of Philadelphia, New York, and Boston, to Mr. Taney, dated in October, 1833, Whitney's letter accompanying the same, and Mr. Woodbury's answer, Novem-

ber 4, 1834. Therein are to be found similar expressions to this:

"In proportion as this system shall be well digested and executed, will be the soundness and equality of value throughout the Union of the circulating medium; and upon it will depend the degree of convenience or inconvenience which will be felt by the public in consequence of the recent change."

I refer, sir, also, to an anonymous letter in the correspondence of Whitney with the deposite banks, dated November 8, 1834. I refer to the circulars of Whitney to the deposite banks, franked by Levi Woodbury, dated May 30, 1836, September 7, 1836, and December 7, 1836. And, sir, I appeal to my colleague [Mr. GARLAND] if it does not appear throughout the whole investigation that one of the principal purposes of Whitney's agency was to confederate and knit the banks together in one grand system of exchange? As a specimen, sir, of the whole business of the agency of Whitney and of the deposite banks, I will read a letter from him to John Bass, president of the Union Bank, Tennessee, Nashville, dated Washington, March 16, 1835:

"Sir: I am in receipt of your favor of the 23d ultimo. In reply to your request, I have to say, that the letter written by a person here high in the confidence of the Government, a copy of which I sent you with the other papers, gave you, in part, what it was expected the agent appointed by the deposite banks would attend to. I will, however, state, as fully as I can, the duties the agent feels as devolving upon him. He expects to perform precisely the same duty that he would if appointed by the Treasury to superintend the deposite banks generally. He will carefully watch the operations of each; endeavor to produce concert of action; make suggestions in relation to the operations of any which are calculated to lead to an improvement of the currency, or any which are necessary to preserve it from being affected by the operations or issues of any of the selected banks; aid and advise in establishing a system of domestic exchanges throughout the country, through the agency of the deposite banks, whereby the country shall reap all the advantages through such agencies that it ever did through the operations of the branches of the Bank of the United States.

"The agent will also feel bound to inform each deposite bank which employs him, at different periods, as nearly as he can from the estimates of the various Departments, of the probable amounts each one will be called upon to disburse within a given period; the amounts and times when they will be called upon to pay it over; and where transfers will be required to be made from one bank to another, for the purpose of meeting such calls; the banks from which, and the times when, such transfers will be made.

"Such a table is now being prepared, to embrace the next six months ending the 30th of September next. This will embrace the estimated expenditures of the War and Navy Departments, as well as the civil list; the States in which the same is to be disbursed; the probable time wanted, and the banks which will have warrants passed upon them.

"In fine, the agent will communicate to each selected bank that wishes it, any information which he may at any time think will be serviceable individually; as well as give that general superintendence to the operations of the whole, which is so necessary for the security of each, as well as for the promotion of the interest of the public generally.

"I am, with great respect, your most obedient servant.

"R. M. WHITNEY.

"JOHN M. BASS, Esq.

"*President Union Bank, Tennessee, Nashville.*"

In addition to the documents on file here, I cite the circulars of the Treasury Department, published from time to time during the last four years, and directed to the receivers of public money and the deposite banks. As specimens, I quote, first, a circular dated the 7th of July, 1834.

"TREASURY DEPARTMENT, *July* 7, 1834.

"SIR: As the public confidence in the banks selected by this Department for the public deposites has, on trial, increased, and the notes of most of them might become a very convenient medium for circulation in travelling, and the transmission of funds at a distance, if mutual arrangements were made between some of them for the redemption of each other's bills, I take the liberty to submit the following suggestions for your consideration:

"1st. Would it not be profitable to your corporation, as well as useful to the public, to make arrangements and issue bills to a limited amount, payable on their face either at your own bank or the bank with which you make the arrangement? This has already been done by some institutions, and, it is believed, with beneficial effects.

"2d. But, if this is not considered expedient, would it not be prudent to establish with certain banks a credit, mutual if you choose, to redeem and reissue a certain amount of each other's bills as they may be needed for the purposes before mentioned? This might be so arranged as to expose you to little expense or risk; and, the fact being known, would extend your circulation at a distance, and often furnish, it is trusted, a currency for travelling and transmission of funds, very safe, convenient, and advantageous.

"Any aid that this Department could lend to you in perfecting such arrangement, by transfer drafts or otherwise, consistently with its powers and the public interests, will at any time be cheerfully granted.

"I remain, very respectfully, your obedient servant,

"——— Secretary of the Treasury.

"The PRESIDENT of the ———."

On the 27th of January, 1835, the following circular was issued:

"TREASURY DEPARTMENT,

"*Washington, January* 27, 1835.

"SIR: Finding that my circular of the 13th December last has not, in all instances, been fully understood, I beg leave to state, that it is the wish of the Department to be enabled to present a correct statement of all the domestic exchange operations of the selected banks. For this purpose, I have to request that your statements, semi-monthly, hereafter, give the whole of your operations, whether in drafts on other places purchased, notes payable in other places discounted, or either, collected. The latter to be brought into the statement after they are carried to the credit of the individuals for whom collected, together with the rates in all cases, &c. Some of the banks have supposed that the request of the 13th ultimo was not intended to embrace paper collected, payable out of the city. Where that has been the case, I have to request that all omissions of this description, since the 1st instant, may be added to the next return made to this Department.

"As before requested, I wish a statement of all drafts or checks drawn by the bank, payable any where out of the place in which the bank drawing is located, together with the rate, &c.

"As early as convenient, after the receipt of this, I will thank you to forward to this Department a statement of the places upon which your bank collects or purchases domestic exchanges, together with a tariff of the rates charged, exclusive of interest. I will also thank you to state the extent, geographically, to which it receives, on deposite, the notes of State banks, and particularly those of the selected banks; also, such as have made arrangements with you to redeem their notes, where any such arrangement has been made, as well as where arrangements may

have been made with other banks for the redemption of your notes.

"I am, very respectfully, your most obedient servant,

"LEVI WOODBURY,

"*Secretary of the Treasury.*

"The Cashier of the ——— Bank."

On the 6th of April, 1835, the following was issued:

"Treasury Department, *April* 6, 1835.

"It is understood that the instructions from this Department to receive for the public dues only such State bank notes as the deposite banks are willing to credit at par, have been construed to authorize the receipt of such notes of any denomination. The undersigned considers it highly beneficial to the currency of the country and the safety of the banking agents employed in keeping the public revenue, that the more general use of specie for the small and ordinary transactions of society should be encouraged; and as the disuse of bank notes of a low denomination is believed to be the surest method to effect that object, and as the acts of Congress do not expressly require the receipt of any such notes, if less in amount than five dollars, you are hereby directed, after the 30th day of September next, not to receive in payment of any public dues bank notes of any denomination less than five dollars.

"You are also apprized that it is in contemplation by this Department, after the 3d of March, 1836, [should Congress in the meantime make no new provision on the subject,] to exercise the discretionary powers, which it is supposed will then belong to it, over the receipt of paper money of any denomination for the public revenue, and to extend the restriction on the receipt of bank notes for it, to all of a less denomination than ten dollars. For the greater security of the banking institutions employed by the Treasury, and for the improvement of the currency by the fuller restoration of that specie circulation for common purposes, which seems to have been contemplated by the constitution, it is intended then to make arrangements, if practicable, to discontinue the use of any bank as a fiscal agent which shall thereafter continue to issue notes of a less denomination than five dollars, and which shall, after some subsequent period, to be then designated, continue to issue notes of a less denomination than ten dollars.

"The course proposed to be pursued hereafter on this subject by the Treasury, is now indicated with a view to insure suitable notice of the changes contemplated."

On the 22d of February, 1836, the following was issued:

"*To receivers of public moneys, collectors, disbursing officers, and the deposite banks of the United States.*

"Treasury Department,

"*February* 22, 1836.

"The established policy of the Treasury Department, so far as may be practicable, under its present powers over the collection, keeping, and disbursement of the public money, is to diminish the circulation of small bank notes, and to substitute specie, and especially gold, for such notes, with the view of rendering the currency of the country, through which its fiscal operations are performed, more safe, sound, and uniform. In pursuance of that policy, a circular was issued last April, which prohibited, after the 30th September, 1835, the receipt, on account of the Government, of any bank notes of a less denomination than five dollars; and which intimated that other steps to promote the desirable objects before named, would, in due time, be taken.

"Consequently, in further pursuance of the same policy, you are hereby required, after the 1st of May next, not to pay the demands of any public officer or creditor in any bank notes of a less denomination than five dollars, and, except when it may be otherwise prescribed by law, after the 4th of July next, not to receive or pay on account of the Government any bank notes of a less denomination than ten dollars.

"All the deposite banks are requested to supply themselves with such a quantity of American gold coin as to be able to pay, and, when a public officer or creditor prefers it, and his demand does not exceed five hundred dollars, to pay at least one-fifth of such demand in that coin. It is also requested that the deposite banks will not, after the 4th of July next, issue any notes of a less denomination than five dollars; and that after the 3d of March, 1837, they will not, unless the subject be otherwise regulated by Congress, issue any notes of a less denomination than ten dollars. It is believed that the amount of gold, which by that time shall be coined at the mint, will be sufficient to admit of the convenient substitution of it for small notes in a much greater extent than at present; and it is deemed reasonable, that while the deposite banks have the use, without interest, of unusually large sums of the public money, they should make some further temporary sacrifices to obtain and circulate gold, and in other respects to enlarge the specie basis of our circulating medium. From these considerations, and from the liberal spirit evinced by most of the public depositories, in a late correspondence with them on this subject, it is confidently expected that, in this state of things, they will cheerfully comply with the above requests, and with all others which have been made by the Department, with a view of improving the currency; nor will it, I trust, be considered unjust or impolitic, while the deposite banks shall continue to enjoy great privileges from the Treasury, to regard a neglect or refusal by any of them to comply with those requests as sufficient cause for discontinuing the employment of such banks as fiscal agents.

"At a proper time it will be decided, under what circumstances, and at what periods, these restrictions on the agents and officers of the Treasury shall be extended to notes of any denomination under twenty dollars.

"This communication is made with the sanction of the President of the United States, and it is hoped that, till otherwise prescribed by Congress, or by this Department, these requirements and requests will be faithfully complied with by all the fiscal agents of this Department, and all the collecting and disbursing officers of the Government.

"LEVI WOODBURY,

"*Secretary of the Treasury.*"

And, sir, on the 11th of July, 1836, the celebrated specie circular went forth, like a bull from the Vatican.

"*To receivers of public money, and the deposite banks.*

"Treasury Department, *July* 11, 1836.

"In consequence of complaints which have been made of frauds, speculations, and monopolies, in the purchase of the public lands, and the aid which is said to be given to effect these objects by excessive bank credits, and dangerous, if not partial, facilities through bank drafts and bank deposites, and the general evil influence likely to result to the public interests, and especially the safety of the great amount of money in the Treasury, and the sound condition of the currency of the country from the further exchange of the national domain in this manner, and chiefly for bank credits and paper money, the President of the United States has given directions, and you are hereby instructed, after the 15th day of August next, to receive in payment of the publands nothing except what is directed by the existing laws, viz: gold and silver, and, in the proper cases, Virginia land scrip.

"The principal objects of the President in adopting this measure being to repress alleged frauds, and to withhold any countenance or facilities in the power of the Government from the monopoly of the public lands, in the hands of speculators and capitalists, to the injury of the actual settlers in the new States, and of emigrants in search of new homes, as well as to discourage the ruinous extension of bank issues and bank credits, by which those results are

generally supposed to be promoted, your utmost vigilance is required, and relied on, to carry this order into complete execution."

Such are some of the footsteps of General Jackson in taking care of the currency! Here we see a series of Treasury circulars, which were issued during the period of the last three years, coming up to the present fiscal year almost, all issued by the present Secretary of the Treasury, with the objects avowed on their faces, to make the notes of deposite banks "a convenient medium for circulation in travelling"—to extend circulation at a distance—to constitute a safe and convenient and advantageous mode of transmitting funds—to take accounts of exchange operations—to ascertain the geography even of notes received on deposite—to promote measures "highly beneficial to the currency of the country"—to raise the denomination of small notes to be issued, in order to circulate specie—to render the currency safe, sound, and uniform, as contemplated by the constitution—to require the banks to make sacrifices to this policy—to discourage the overissues of banks—taking trade, commerce, circulation, currency, bank notes, specie, the country, and all that is in it, under the full and complete jurisdiction of the Executive alone. And now, sir, are we coolly told that these measures are not within the constitutional province of the entire Federal Government! This is new! this is false! this is flagrant insult added to outrage! this is a total departure, I affirm, from the principles and policy of General Jackson; and that, I suppose, is capping the climax of enormities with his blind followers! The Federal Government cannot regulate currency and exchange, but it may prevent the overproduction of cotton! It cannot regulate currency and exchange, but it may take into its keeping the consciences and morals of the people! It cannot regulate currency and exchange, but it may pass bankrupt laws to put in durance vile every State corporation of the Union! Such are President Van Buren's first steps in the policy of the administration.

Sir, this doctrine is so new that the President, throughout this very message, except in those parts where he is expressly asserting this strange doctrine that the Federal Government has nothing to do with the currency of the country, forgets himself, and contradicts the position from the mere habit of his own mind to conceive the contrary. He speaks of "the embarrassments in the pecuniary affairs of the country diminishing the public revenue so much that the accruing receipts, with the reserved five millions, would not be sufficient to defray the unavoidable expenses of Government, until the usual session of Congress." And is it so, that the embarrassments of the country do thus embarrass the Government, stop its wheels, and yet the Government has not power to do the only thing on earth which can relieve itself from these embarrassments, and permanently prevent their recurrence—regulate the currency? Did "the difficulties experienced by the mercantile interests force them to apply for indulgence on duty bonds before the suspension of specie payments?" And yet has the Government, the collection of whose revenue is thus suspended or stopped, no power to afford facilities for the payment of its dues, or no power to secure their payment at all by some system, to strengthen commercial confidence, and enlarge the capacities of trade? Sir, the President himself, I repeat, speaks constantly in this message, of the policy of Government in relation to the currency of the country, as if there was, and should be, some policy of the kind. No one can read his message, and not see that he contradicts himself, and does not in reality entertain any such novel and absurd opinion as that a Government possessing the powers and duties which this does cannot take care that there shall always be a safe and sound circulating medium, and a sound condition of commerce, and abundant means of trade, foreign and domestic, without which Government debtors cannot be sound or able, and without which the resources of revenue must always be meager, unstable, or exhausted. What, sir, are the duties of this Government and its powers? Congress shall lay and collect taxes, duties, imposts, and excises; it shall pay debts; it shall make all duties, imposts, and excises uniform; it shall regulate commerce with foreign nations, and among the several States, and with the Indian tribes; it shall establish uniform laws on the subject of bankruptcies; coin money and regulate the value thereof; provide for the punishment of counterfeiting the securities and current coin of the United States; declare war! raise and support armies! provide and maintain a navy! make all laws which shall be necessary and proper for carrying into execution the foregoing powers. And yet, sir, the President says it shall not, it cannot, provide the only means of executing any or all of these powers—the sinews of war, the security of peace—a sound currency for the country! Ay, but he says it may demand the "constitutional currency" for the Government! How can the Government demand specie, whilst the people have not specie to pay? Specie is no more a constitutional currency than good convertible paper. The provision in the constitution which makes nothing else but gold and silver a legal tender in payment of debts, does not require the Government to exact specie. It is only another provision of that wise instrument which guards the mode by which Congress shall regulate the currency, make it sound by basing it on specie, and make it safe and efficient by being easily convertible. Sir, the fact is, that the Executive has tinkered and cobbled the currency, until it is past mending. The Ex and the In-President have practised upon its health until the patient has died upon their hands, of their wretched quackery. Now they wish to give up its cure, or its resuscitation, as a bad job. Now their only refuge from political or professional disgrace is in saying it was ever immedicable by Government. After exerting all their power and their skill to make the currency better, now that it has become worse than was ever predicted by the regular practitioners, they insist that they never exerted, and never can exert, any power or skill in the case; for they never had either! Sir, as to power, they had too much to destroy; as to skill, they never had any to reanimate or to restore! God help a patient in such hands! Their want of skill and want of honesty in this case would constitute murder, if the patient were a human being whom they had destroyed, instead of the country and its private and public interests. Sir, it is impossible for Government not to interfere with the currency of the country. When it ceases to perform the functions of Government—when it ceases to raise, receive, keep, transfer, disburse revenue—when it ceases to use custom-houses and land offices, tax-gatherers and collectors—when it disbands its one hundred thousand stye-fed officeholders—when it dismantles its navy, and disbands its standing army—when Congress ceases to sit, and the President no longer draws his salary—then, and not till then, may he say to the people, Pay what you owe the Government in specie; take what you can get from the Government, and get the specie as best you may; Government has nothing to do with the pockets of the people! Sir, you are not willing to bargain with the people to hold hands off; to agree that you will go to them for nothing if they will come to you for nothing. No, sir, if you will not collect yearly from the people some twenty or thirty millions of dollars, and expend more than you collect, they will not ask you to regulate the currency. They ask nothing more; when, where have they claimed of Government to "aid individuals in the transfer of their funds," or in the transportation of their merchandise? When or where have they asked Government "to make men rich, or to repair, by direct grants of money, or legislation in

favor of particular pursuits, losses not incurred in the public service?" Sir, though the Executive has reduced our people to beggary, by interfering with "individual concerns," most oppressively and cruelly and unconstitutionally, yet have they not come as "beggars" to their own Government—their own servants! All they demand is, in the language of this message, "a system of general laws commensurate with, but not exceeding, the objects of the establishment of good government; leaving every citizen and every interest to reap, under its benign protection, the rewards of virtue, industry, and prudence." But, what virtue can now withstand the corruption of "the Government?" What industry can now live under the present system of Government pillage? What prudence can now foresee or calculate the ruinous results of wild experiments? Virtue is cast to the dogs! Industry is rifled and picked! Prudence is baffled, and stands dismayed!

In the next place, sir, the President again attacks the Bank of the United States. Again is the dead monster pierced, and without doubt in time. This is now the fifth Executive missile, in four years, hurled against it! The United States Bank will be like a man hung by the neck until he is dead—dead—dead! But, sir, I am beginning to hope that, like Lazarus, though it stinketh, it will yet "come forth," with the grave clothes on. I see signs of its coming, and therefore I wish to prepare the minds of the people to see no spectre—no hobgoblin—no monster. In respect to that institution, sir, I join issue with the President and all its enemies in advance. And I do this, though unnecessary now, because on this subject I have no fears and no concealments. I am willing to trust the intelligence and the virtue of the people who send me here. I maintain, then: 1st. That a national bank is constitutional. 2d. It is expedient. 3d. It is the best friend, financial and commercial, especially of the South. 4th. And lastly, it is the best bulwark which can now, by law, be established in defence of the civil liberty of the country. All these propositions I am now ready to maintain to the uttermost.

A national bank is constitutional. Congress has the power to charter a bank corporation. Sir, let me here observe, that it is remarkable the President does not say in his message it is unconstitutional. His principal reason for not co-operating in the re-establishment of a national bank is, because "it would be to disregard the popular will,"—because he believes "a majority of the people to be irreconcilably opposed to that measure." Now, sir, this is ominous of what I have more than once predicted—if a majority of the people shall clearly and unequivocally express their will in favor of the establishment of such an institution, he will give it his sanction. Will he, who has lived and moved and had his political being in the breath of another man's popularity, and who is now vulgarly reiterating that man's disgusting demagoguism, ever dare to disregard the popular will when it shall come up, as it will, like the rushing of the mighty waters—"terrible as an army with banners?" No, sir, he will quail into his own utter helplessness! He is no hero to ride upon the whirlwind and direct the storm; and, sir, if Jackson himself were here again, the people would tell him—"Sir, your experiment has failed, we have been gulled and ruined!"

Sir, Congress has certain powers conferred upon it to be exercised, and certain duties imposed upon it to be discharged and performed:

Its powers, in connexion with this subject, are:

"To lay and collect taxes, duties imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States."

"To borrow money on the credit of the United States.

"To regulate commerce with foregn nations and among the several States," &c.

"To coin money, regulate the value thereof, and of foreign coin," &c.

"To dispose of, and make all needful rules and regulations respecting the territory, or other property belonging to the United States."

Such are the powers *quoad hoc*. Among the duties most important to be enumerated is that of making "all duties, imposts, and excises uniform throughout the United States."

Now, sir, how are these powers and duties imperatively required of Congress to be exercised and performed, to be executed? Are not the means granted? Expressly. The constitution says: "The Congress shall have power—

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the Government of the United States, or in any department or officer thereof."

Here is a striking feature in this great instrument. Every power is specific, every duty is specific; but the means are not specified, and the Government is left unlimited and unrestricted as to means, save by the terms "necessary" and "proper;" that is, it is confined only to such means as are "necessary" to the ends of some one, or all, of the granted, specified powers or duties; and to such as are "proper," that is, consistent with, or fit, or congenial to the form of our Government and the nature of its powers and duties. And, sir, this distinction between the powers and duties of the Federal Government and the means of executing these powers and duties is a full and complete answer to the oft-repeated objection drawn from the imperfectly understood fact that the convention of 1787 rejected a proposition to grant the power of incorporation. To have granted a general power of creating corporations would have granted too much; it would have included certain corporations, ecclesiastical or others it might have been, uncongenial and inconsistent with our institutions. And to grant the power of creating specific corporations would have been to enumerate one means of executing granted powers to the exclusion of all others, upon the principle of "*expressio unius est exclusio alterius.*" The framers of the constitution preferred rather in their wisdom to confine the Government only in the selection of means to such as were necessary and proper. If a particular corporation should be found to be necessary and proper to execute some one or all of the granted and enumerated powers or duties, they left it to the law to create such a corporation under the general and comprehensive grant "to pass all laws necessary and proper for carrying into execution such powers or duties." And they left it to the sound discretion of Congress to select, of course, the best means thereby; inasmuch as the particular corporations they might have chosen to grant might in time have proved to be the worst means of executing the granted powers. It would have been unwise and impossible for them or for us, were we now making the constitution anew, to attempt to enumerate the granted means. They should have been omniscient to provide such as would, throughout all time and under all circumstances, have been the best. Not knowing what would always be the best to be used, they left, wisely left, in Congress an option of means, according to the wants and condition of the country, requiring the exercise of powers and the discharge of duties.

Again, sir, not only is Congress unrestricted and unlimited in the employment of means to execute its granted powers, except, as I have said, by the terms necessary and proper; but Congress is independent also as to these means. To Congress are these means given. The existence of State banks is urged, or has been—not now, I suppose—as a reason against the necessity of creating a national bank. It was not necessary, because the means of other Governments—the State Governments—might be employed. As

to its granted powers, and the means of executing them, this Federal Government is as independent of the State Governments as it is of France or Italy, and as the States are of it in respect to their reserved rights. To no foreign power under the sun is this Government bound to look, or obliged to depend on none, for means to execute its constitutional powers.

The question then, sir, is reduced simply to this: Is a national bank necessary and proper to collect the taxes, to pay the debts, to negotiate the loans, to regulate the foreign commerce and the internal trade, to dispose of the public lands of the United States, and to regulate the value of money in the country, and to enable Congress to fulfil the duty of making all duties, imposts, and excises uniform throughout the United States? Sir, I will leave it to forty years' experience to answer the question on all these points; the wayfaring man, though a fool, cannot err in recounting to you what the Bank of the United States did in collecting, and keeping, and transferring the public revenue, without costs or charges, and without loss; what it was bound to do in case the Government needed to borrow money; what it did in equalizing and facilitating exchanges of foreign and domestic commerce; what it did in paying pensioners, and in accommodating Government in selling, and the people in purchasing, public lands; what were its salutary and steady influences in regulating the money market and the value of money, and its uses in rendering duties, imposts, and excises uniform! Its notes were better than fine gold everywhere—at land offices, custom-houses, to the Indian and the traveller, to the Government and the people, at home, in the North and South, East and West; and abroad, in the East Indies, they commanded a premium!

Twice has a national bank been chartered, and again and again has its constitutional validity been sanctioned by every department of the Government, Executive, Legislative and Judicial, and by all parties, democratic and federal, and admitted by every President of the United States, from Washington to Van Buren, Jackson not excepted, and acquiesced in by the people. The first bank charter was proposed within two years from the period of framing the constitution. It was formed in 1787, and a bank of the United States created in 1789! In the Congress of 1789, many members of the convention which framed the constitution sat, and more than two-thirds of them voted to charter a national bank. Mr. Madison, who then was one of those members of the convention who opposed the bank charter, afterwards, when President of the United States, gave it his sanction upon the principle of "*stare decisis.*" The question of the constitutional power of Congress was submitted in 1789 to General Washington, who was president of the convention, and he referred it for solemn advice to the heads of the departments—two of whom were also members of the federal convention. Hamilton, the then Secretary of the Treasury, the author, in part, of the Federalist, who understood the history of the constitution as well as, if not better than, any man, maintained that the power was constitutional, and Randolph, Attorney General, dissented. The latter and Mr. Jefferson, who was not a member of the federal convention, and who alone, by-the by, made the point that the proposition to grant incorporations was rejected, gave in their written opinions on one side, and Hamilton submitted his on the other. General Washington, who knew all the facts of the history of the constitution, necessarily, from his presiding in the convention, sided with Hamilton, and, after months of anxious and careful deliberation and inquiry, sanctioned the bill to incorporate a national bank! History, authority of decisions in every form, and the practice of the Government from its foundation, all concur in establishing the validity of a national bank charter. Shall these be overruled by one man in the nation? Shall nothing be decided under our system?

The word "necessary" was given in an absolute sense by Mr. Jefferson. It is plain the term is not so meant in the constitution, because, if so, it would exclude the use of all means whatever, and totally destroy all option or selection of means. One could not be employed, because another might. One is not absolutely necessary because the other exists. The employment of State banks is not absolutely necessary, because sub-treasuries may be used, and sub-treasuries are not absolutely necessary, because State banks may be employed. Their unconstitutionality may be demonstrated precisely in the same manner as that of a national bank. There are no means absolutely necessary in all life; there is no one tool or agent in mechanics, or power in natural philosophy, absolutely necessary; bread itself is not absolutely necessary to sustain human life, because some other article as a substitute may be used as food. The very existence of more means than one, destroys the absoluteness of the necessity of any; and to say that one shall not be used because the others exist, is to destroy the power of choosing the best means altogether. The constitution could never have intended that Congress might employ the worst, and should not have the power of selecting the best means to execute its delegated powers and duties! Such a conclusion is the absurd one to which those who oppose the constitutionality of a bank charter are reduced.

The next question, then, is—is a United States Bank expedient—is it the best means? Sir, it is vain to argue this. I will not appeal to the chaos and confusion out of which the last national bank brought order and credit and confidence. I will not appeal to a comparison of the rates of exchange. I will not appeal to the premiums on silver and gold. I will not appeal to the traveller, to the laborer. I will not appeal to the restraint upon an increase of local bank capital, issues, loans, and discounts. I will not appeal to Siam for the uniformity of the circulation of its notes and their value. I will not appeal to the manner in which it conducted all its business relations with the Government—to the uniformity of taxes, or to the exact equality, under its influence, of Government officers and the people, and of Government creditors and debtors; but, sir, I remind my friend from South Carolina, [Mr. Pickens,] of the report, able, clear, and unanswerable, of George McDuffie, his illustrious predecessor, in 1828, to the House of Representatives; and I appeal to the fact that it was the height of the last administration's wishes but to attain to the perfection of a national bank in organizing its system of local deposite banks! Sir, it is too late in the day now for any man to presume to say, against all experience, delightful and rueful, of all times, in peace and in war, with and without a bank of the United States, that such an institution is not expedient. Sir, I have said that Mr. Van Buren reiterates the miserable demagoguism of his predecessor—he exceeds it in the passage which says:

"The Bank of the United States, with the vast powers conferred on it by Congress, did not, or could not, prevent former and similar embarrassments; nor has the still greater strength it has been said to possess under its present charter enabled it, in the existing emergency, to check other institutions, or even to save itself."

Here we see a President of the United States, the highest officer on earth, resorting to falsehood itself to catch vulgarity and ignorance! In the first place, it is not true that the Bank of the United States did not or could not prevent former and similar embarrassments: there never was embarrassment similar to the present—embarrassment so extensive, deeply pervading, and universally following, a long-continued prosperity in trade, and a rich harvest of profound peace. It is true that in 1819 the last national

bank did, though like a strong man under an immense burden, stagger under the weight of embarrassments which followed war and the many years' want of a great regulator of currency; but as a strong man—omnipotent to save—it did clear away the wreck—it wrestled with derangements and embarrassments unprecedented, and subdued the task of restoring us to a state of commercial health and prosperity unexampled in the annals of finance and trade. It took a giant to rescue the country from its oppressive difficulties, and a giant that bank proved itself for much good and no mischief! But, sir, the falsehood which I mean here to expose is the base subterfuge of the President in treating a local bank of Pennsylvania as a national—a United States Bank. Had he no other resort than this ever weak and immoral subterfuge of the vanquished wicked—to take up a mere name for a defence, or a shield and buckler? Did Congress charter the State bank of Pennsylvania, called only by the name of a United States Bank? Had that institution the credit of this federal Government at its back—has it not all the opposition and hatred of the federal Executive? Would not any other local or State bank—any one of them which that same Executive has been petting and stimulating to ruin the country—with the same name, "smell as sweet?" Have they done any more to check other institutions or to save themselves? Does the virtue of a national bank consist in a mere "cognomen?" Fie! fie! sir, upon such ad captandum demagoguism in a President of the United States!

Sir, the gentleman from South Carolina, [Mr. Pickens,] in like manner, says that the Bank of the United States never restored the currency; and, sir, permit me to tell the gentlemen that, like the President of the United States, he contradicts himself. In one breath they tell us that the Government credit did every thing and does every thing to insure the soundness and efficiency of banking institutions, and in the next breath they boast that the Pennsylvania bank, without the Government credit, and with the Government opposition, did not, and could not save itself! In one breath they tell us that the Government may "take a beggar from off the streets," [Mr. Calhoun in the Senate,] and attribute him with commercial and financial power and credit, may make him a safe and sound banker; and in the next breath they call out to us for help, for postponement of the fourth instalment, for Treasury notes, for indulgence on duty bonds, for the means of assisting a bankrupt Treasury, for the reason that some eighty or ninety local State banks, which Government has been backing with its credit for four years, have suspended specie payments! In one breath they tell us that the Bank of the United States never restored the currency; and in the next they admit that if we continue to take local bank paper, we must have a national bank, to check the local institutions and purify the currency! Sir, it is true that the Government credit does much, it does every thing when it fortifies and guaranties a national bank. Its credit, organized in that form, is all that is now wanting; but it does nothing but mischief when afforded to individuals or to local corporations. It stimulates to excesses, and is itself weak to restore an equilibrium—in fact, is the first to suffer from a state of intoxication and debauchery. It requires more help, for its protection, from a national bank, than it can possibly confer upon any other form of fiscal and commercial agency. If a bank of the United States does not tend to restore the currency, why did Mr. Calhoun propose, in 1834, to unbank the banks with such an institution? The Government was then fully divorced from all banks; all that had to be done was to withhold the deposites from them. Now, sir, the Government is married to the banks—has been in Co. with them for years; and now, when a severance cannot be had without violence and disaster, now is the connexion to be dissolved! We are told that a United States bank has never yet encountered a period of war. Certain it is that in no period of war have we ever had such a help in time of need, unless the old Bank of North America, which was a powerful friend during the Revolution, could be so considered. It is said a national bank could not have survived the scenes of 1813-'14. True, those scenes were awful enough without such an institution; *non constat* that they would not have been better with one, knowing that such scenes have never occurred whilst a bank of the United States was in operation. Well may the gentleman safely appeal to all the intervals when there was no such bank, to find scenes which, perhaps, no bank could have encountered; but it is sufficient for us to say, in reply, that it ever encountered all the difficulties it met during its existence; that its existence occupied more than ten times the space of time which its absence filled; and hence the fair inference might be drawn that no such scenes could occur during its existence as those which have occurred in the intervals when it was not in existence, to control causes and effects.

In the third place, sir, I join issue with the gentleman from South Carolina, [Mr. Pickens,] and maintain the proposition that the bank was ever and would be now the best friend of the South.

Sir, no interests in the country are more dependent upon a sound, safe, and uniform currency, than the interests of agriculture, and, consequently, the interests of the South. The great regulator, fly-wheel, and safety-valve of currency is, as I have shown, a bank of the United States. It afforded and is the only means which has ever yet been devised, which has furnished that great amount of circulating medium called "bills of exchange." Many suppose that the most of the circulating medium consists of bank notes intermixed with a small amount of specie. Not so, sir. What proportion consisted of inland bills of exchange, I have not been able accurately to ascertain; but certain it is that all the heavier operations of trade are and must be carried on by them. At certain seasons of the year large amounts are wanted by the South, to be transferred to the northeastern cities, with which to purchase importations for consumption; and at other seasons similar amounts are needed by the North, in the South, to purchase the raw materials, for manufacture or exportation. The transfer of these heavy amounts must be made by bills of exchange. It cannot be conducted by transmitting specie or local bank notes; the cost and insurance and delay of transporting the one, and the discount and risk upon the other, forbid their use for the purposes of transferring funds. The great and leading arteries of trade, then, between the North and the South were supplied by bills of exchange as the circulating medium, whilst the Bank of the United States was in operation. It had funds in Boston, New York, Philadelphia, and Baltimore, upon which to draw from New Orleans, Mobile, Charleston, Nashville, Cincinnati; and funds in the latter places upon which to draw from the former. Funds were drawn without transmitting a dollar; the operation was effected simply by changing the pen from one side to the other of the books of the mother bank and its branches. No money was withdrawn from trade in New York; none from trade in New Orleans. The oblong bits of paper called bills of exchange caused convertible bank notes or specie to be paid at either place at sight, and at the rate of one half of one per cent. This was the simple and beautiful operation; and these bills were the pabulum of trade when the United States Bank was stricken down at a blow by the mace of despotism. What was the consequence? The life-blood was dried up; the arteries were drained; a large proportion of the circulating medium was destroyed. The consequence to the South was ruinous, upon a principle, a favorite principle of Mr. Calhoun. He calculates that the circulating medium is, to real estate or property, generally in the country about as one to thirty. If so, whenever the circulating medium is reduced one mil-

lion, the property of the community falls thirty millions in value. It would be frightful and enormous, if the amount of diminution in the value of real estate and other property in the South could be ascertained, in consequence of destroying bills of exchange by refusing to recharter a national bank. There is, sir, a striking and manifest difference between the property of the North and the South. The property of the North consists of money-capital. The property of the South consists of land and its products, and slaves. It is clear, therefore, that when a large portion of circulating medium is destroyed, they suffer much less than we in the South do. The diminution of circulating medium depresses the price of land, of agricultural products, and of slaves, thirty-fold; whereas the money of the North is actually raised in value precisely in the same ratio. Our property will sell for less money—their money will buy more of our property. True, in times like these, when there is a total want of bills of exchange to transfer debts due to the North from the South, they may be embarrassed in the collection of their debts; but, nevertheless, when they are forced to sue us at home for goods purchased in the North, it will always take a double portion of our land and negroes, or of their products, to pay the debts. Besides, they are chiefly the purchasers of our agricultural products, and the carriers of them, and whenever they are oppressed for the want of a circulating medium we are eventually the greatest losers in the price of those products. This truth is clearly illustrated in these very times, by the fact that the chief losses of the nation have fallen, to the amount of forty millions at least, upon cotton!—notwithstanding that paragraph in the message which says:

"The difficulties and distresses of the times, though unquestionably great, are limited in their extent, and cannot be regarded as affecting the permanent prosperity of the nation. Arising, in a great degree, from the transactions of foreign and domestic commerce, it is upon them that they have chiefly fallen. The great agricultural interest has, in many parts of the country, suffered comparatively little; and, as if Providence intended to display the munificence of its goodness at the moment of our greatest need, and in direct contrast to the evils occasioned by the waywardness of man, we have been blessed, throughout our extended territory, with a season of general health and of uncommon fruitfulness. The proceeds of our great staples will soon furnish the means of liquidating debts at home and abroad, and contribute equally to the revival of commercial activity and the restoration of commercial credit."

This passage, sir, reminds me of this curious extract, which I found the other day in some newspaper:

"An almanac, published in the year 1730, has the following very remarkable predictions, which have been fulfilled to the very letter:

'By the power to see through the ways of Heaven,
In one thousand eight hundred and thirty seven,
Will the year pass away without any spring,
And on England's throne shall not sit a king?'"

It is true, sir, that Providence has displayed its goodness and munificence at the moments always of this country's greatest need; and His infinite goodness will ever, I hope, sustain us, notwithstanding "the evils occasioned by the waywardness of man," and the wickedness of unwise and corrupt rulers. God alone, and the dew he sends upon the ripe and unripe corn and upon the mown hay, can keep us from beggary and want, can supply us with food and raiment; but a sound policy, and wise and virtuous administration, would turn these blessings of Providence to some account, would establish and fix a sound price upon the abundance of the harvest field! Truly, the year 1837 has been like the times of our trouble; there is a promise of abundant harvest, though there has been no spring-time.

This mighty country, powerful and rich as it is, is hard to kill in its resources, which are almost infinite; but be assured, sir, it is in the kingdom of policy as it is in the kingdom of grace—you must not always strive against God! We must not throw away and abuse the fruits of Providence! Though Heaven has done much for us, the land, the land of the South, groans with the folly and waywardness of man!

The gentleman from South Carolina asks where the capital is located when a bank of the United States is created? I answer, everywhere, throughout the whole country, according to the demands and necessities of trade. If we were to charter a bank to-morrow, and locate the mother at Charleston, the branches at New York and Philadelphia would become the principal wings of the institution—that at New York would in fact become the mother. Why? Because the importations are there, the trade is there, the revenue is collected there. And, I ask, will not this be the case under any system? Was it not so under the deposite bank system, and will it not be so under a sub-Treasury system? As certainly as that two-thirds of the revenue of this Government is collected there, and more certainly as that revenue, under the gentleman's favorite system, would accumulate there in specie—there in specie, when specie would be so scarce, by being spunged up by Government, that it would command a premium, and be in fact a greater amount of capital concentrated there, (in New York,) than the Government would otherwise have. He asks, if the States of this Union were separate, as in the time of the Colonies, would not the exporting States import for themselves? No, sir; they never did import for themselves when they were Colonies. A raw-material region, an agricultural country, cannot be also a mercantile and manufacturing, a ship-building and money-capital country. The trade of Virginia was carried on before the Revolution, by English merchants and shipping, and since then by New England merchants and shipping. True, the English merchants sent their ships directly to our rivers on the Chesapeake, but then there was no coasting trade, which now does the same thing for us to the full extent of our wants and demands.

The gentleman from South Carolina also complains that the Bank of the United States, in 1832, gave the President a sword to bury in the vitals of nullification! Sir, this is a new charge, strange and extraordinary in its character, and coming from an unexpected quarter.

If it be "a true bill" against the bank, that it furnished the means of defending the Union in its peril, it will be a new and unheard of recommendation of it to some, though not to me. I repudiated the doctrines of nullification. I struggled against its principles and practices, and deprecated its effects and tendencies; but, sir, if the war upon South Carolina had come "to the knife," it would have found many a Union man of Virginia fighting in her defence, though they had argued she had her full share of wrong in the quarrel. I should have been one among those who reasoned on one side, and would have fought on the other. No corps of a standing army should ever have crossed Virginia borders, with my consent, to invade a Southern sister State. I therefore say, sir, that this charge against the United States Bank is, if true, no recommendation of it to me. Nothing recommends itself to me which strenghtens the arm of the Executive. But, sir, this charge cannot be tenable. Be it remembered that the bank itself was then (in 1832) struggling against that same President for its own safety and existence, and that then he was warring against it furiously, upon the ground that it had entered the political lists against his re-election. I cannot conceive, therefore, upon what grounds it is now accused of furnishing weapons to the hands of its own enemy, and that, too, to destroy some of its own best friends. Among those strongest friends were then counted the Hon. George McDuffie and the Hon. John C. Calhoun! And most strange

and unaccountable is it, if this charge be true, either as to the motives of the bank or its necessary effects, that Mr. Calhoun should, so soon after the fall of 1832 as the spring of 1834, propose in the Senate of the United States to re-charter this same bloody monster for twelve years!! The gentleman, sir, must be wrong now, or his honorable and distinguished Senator must have been most unpardonably and egregiously guilty of a suicidal act of Southern policy in 1834.

The gentleman boasts that the people of the South are an old fashioned people, and he complains that the bank, like Czar Peter, cut the coats of Southern village dandies in the fashion! This is a still more grievous charge against the tyranny of that monster, which it seems was guilty of monstrosities from the most enormous—the plucking of a President's beard, to the most petty—that of clipping the coat-tails of Southern dandies! It did, no doubt, affect the social habits, as well as the political, financial, and commercial power of the country. But, sir, this objection, though apparently frivolous, has more in it than strikes us at first. It illustrates the nature and degree of that prejudice which really prevails in many communities, which are not immediately connected with the associations of trade, against that institution.

In many respects, sir, but in none so much as in relation to the improvements of commerce and of the mechanic arts, are the Southern people a half century behind the times in which they live. Noble, generous, liberal-minded, brave, independent, intelligent, and sagacious, yet are many of them too metaphysical, and likely—as Mr. Letcher used to say of old Virginia—to die of an abstraction! They admire and cherish old things and ways; and despise, without much reason, improvements in the credit system, just as they do a new lapel or button! They do not enlarge, as I said on a former occasion, their capacities to receive the benefits of any institutions of trade; they do not calculate their losses in the destruction of them when created and existing, but look alone with dissatisfaction to the greater benefits which others receive from improved capacities and enlarged advantages. They claim justly that Nature has done the most for them; are content with what Nature has done for them; and are only discontented when they behold the art of others outstripping their friend Nature. They are only wrong, sir, in not improving and assisting their own natural advantages, and in wishing to prevent others from exerting their enterprise and wits to make up for natural deficiencies, whilst they are unwilling to exert their own wits and enterprise at all. Let Charleston unite by a railroad with Cincinnati, and Norfolk tap the Big bend of the Ohio river, and we shall shortly hear no more complaints about the immense advantages of capital which a bank of the United States gives to the North. If we sit all the day idle, why shall we complain that New York, Philadelphia, and Baltimore, come thousands of miles to take to themselves, by internal improvements, the produce of back countries, which need not be transported as many hundreds of miles to our seaports? We must have trade before we have capital, and State internal improvements before we can have trade. Trade, sir, trade will make the South as prosperous and strong as the North; and trade will make the South as fast a friend of a national bank as a national bank is now of the South without trade!

I regret, sir, exceedingly, the remarks of the gentleman from South Carolina in relation to Texas. He says the friends of a bank of the United States are the enemies of Texas. I beg leave to say, sir, that time will show whether he is any truer, though he may be a much abler, friend to the annexation of that State to this Union than I am. On that subject, as on nullification, I presume he will find the friends of a national bank divided; but, sir, he will find no one opposed to the annexation of Texas because favorable to a national bank. But what does this allusion to Texas mean? Is it a political appeal? Is it expected by any quarter that Texas will unite the South upon some leader; and that the South, added to the locofoco destructives of the North, and the Executive retinue of New York and Pennsylvania, will bring that leader into power? Sir, let me warn those who entertain it, that the hope is vain and worse than delusive! The South is most opposed in reason and interest to locofocoism, and it will be unjust and destructive to the cause of Texas to make it a hobby of party politics. The restoration of a sound currency here would aid Texas as much as ourselves. Whence has that glorious republic derived her loans to achieve the battles of her liberty and independence? The South and Southwest have furnished her with arms and men; the North, I presume, has furnished her with money and credit. If her wars still continue, still she will want the benefit of that system here which carried us through the travails of independence—a system of credit! yes, ours was depreciated paper credit!

A bank of the United States would not only indirectly aid the cause of civil liberty in Texas, by the confidence and credit, safe and sound, it would diffuse universally, but, as I have said, it would prove, at this time especially, the best bulwark of civil liberty in the United States! Sir, I mean all I say. The bank is expedient and necessary; the only question which remains is, is it "proper," that is, congenial with our free institutions? What has been the practice and tendency of the Executive of this Government for the last eight years? To wield the entire legislation and control of this nation and its destinies, by means of the public money! There is needed, much needed, an interposing stumbling-block, or check, between the President and the public purse, now more than ever! When President Jackson removed the deposites, he took them from out of the hands of the law—of the legislative department. When he put them in the pet banks, he put them in the hands of the Executive; there they have been ever since, in defiance of the law and the constitution; and now we are asked to yield the constitutional custody and control of Congress over the public money, and to place it in the Briarian hands of a hundred thousand officeholders—"the eyes and arms of the Executive!" To what department of this Government does the custody and control of the public money belong? Sir, there is an obscure clause of this constitution which has ever been overlooked by all of the wisest of its expounders. I mean that sacred clause which reads: Congress shall have power—

"To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the Government of the United States, or in any department or officer thereof."

Now, sir, the first clause of this section is the only part of it which is habitually referred to, and is a clause, by-the-by, which is not favored generally by strict constructionists, because it is erroneously thought by some to confer indefinite powers. No such thing. The reverse is the case. By marking the latter clause attentively, you will find that there is not a section in the constitution more jealously restrictive, and especially of Executive power and discretion. It is that clause which General Jackson never read, or never understood. It contradicts his celebrated rule of action, "that hew as to execute the laws and the powers of the Executive as he thought proper." Sir, the Executive has no discretion as to the means of executing its own powers even, much less the powers of Congress. The means necessary to execute the "foregoing powers;" that is, the powers of Congress, "and all other powers vested by this constitution in the Government"—mark the gradation of descent from generals to particular—"or in any department or officer thereof." Does this not mean Executive powers? All the means necessary to execute all

the powers of every department, or officer, are given to Congress! Does the President require means to execute an Executive power even? May he adopt means, however necessary or proper, himself? No! he must apply to the legislative department. Such is the constitution; yet how perverted, and abused, and trampled on! Sir, I am thus minute in commenting on this clause, so restrictive of Executive power and discretion, because, I repeat, there is no clause of the constitution which is so much overlooked, and never regarded.

To illustrate its application. The question arose last winter, in the case of Texas—to what department does the power belong to recognise the independence of a people struggling for liberty and for an equal station among the nations of the earth? To my utter surprise, on examining Judge Story's Commentary on the constitution, I found that he lays it down as a power belonging to the Executive, because he says it is incidental to the power of appointing and receiving ambassadors. He entirely overlooked that clause in the constitution which clearly vests every incidental and resulting power of the Government in Congress. Thence, sir, is derived the power to collect, to keep, and to pay away the money of the United States. Congress may appoint a hand, an agent of the law, to do and perform all these duties independent of the Executive; for "Congress may by law vest the appointment of inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments." But the custody and control of the public money have been usurped by the Executive, in which almost all incidental and resulting powers have merged, and have been tamely and supinely yielded by Congress! Sir, I know of no way so wise and so appropriate to reclaim this derelict and important power as that of creating a national corporation, which shall be made the agent and hand of the law, which the Executive shall not touch or control, and which shall be subject only to the legislative will!

The gentleman from South Carolina [Mr. P.] is utterly wrong, then, when he says that to create a bank will be to part with an attribute of sovereignty—to regulate the currency. Sir, it will regain and restore the just and constitutional powers of Congress, and it will be the most complete and efficient check which can be put by law upon Executive absolutism! In this point of view it would become the ægis of constitutional liberty! Experience teaches us its weakness as a political engine. It was in favor with one administration, the administration died; it was opposed to the succeeding administration, and the bank died. Admit it, however, to be as dangerous as it was ever charged with being, is it more so than the substitutes which have been tried and proposed? It may, forsooth, concentrate and unite the money power and the political power of the country and Government. The pet bank system certainly did thus unite them and elect a President, and the sub-Treasury system is an open and palpable proposition of direct and certain union between the purse and the sword! Such is the consistency of these pretended patriots who war upon a bank as a political monster, and yet go "all for the" money in the Executive! The bank is more "proper" in this sense than any substitute which its enemies have ever yet proposed.

The gentleman, sir, in good feeling and friendship, advised me not to rely on the letter writers for a character, but to look rather to enlightened public opinion. I shall take the advice, sir; for, from the billingsgate which has lately been sent forth from the desks in this Hall—[Here Mr. Wise looked significantly at the seat of John H. Prentiss, a member from New York, the editor of the Freeman's Journal, in that State, and the letter writer for his own paper]—I am well aware that a character for virtue, honor, and truth, has nothing to expect from the pen of falsehood dipped in the gall of bitterness; and I know not why I should have been warned not to rely on the praise of letter writers, when I have been made the subject of their constant vituperation. Some of the letter writers I know to be gentlemen, and the friends of truth more than they are my friends; but I rely not on them, but on enlightened public opinion. My own convictions as to a national bank are not new, and have not been taken up for a party purpose or for a season; they are as old as my public life; my constituents have known them of old, and they are not to be relinquished for the sake of a triumph to myself, or of triumph over an enemy, or for fear of defeat; though, sir, I am confident that they are convictions which will eventually seize upon the minds of all as they have fastened upon mine. I have been for a bank through evil report; and now that I see the great reformer—experience—abroad, with scourge in hand to wake up the people to reflection and inquiry; to make them hold up their heads from individual pursuits to attend to the operations of a Government which has put its rude hands deeply into their pockets; now, I say, when I see the hope of better times, I shall wait, patiently wait, for the troubling of the waters, for the healing of the people, for their voices to come up as a strong man, for radical relief of the country, its constitution, its currency, its liberty!

But, to return to the message: I have been drawn off singularly enough to reply to a gentleman who I thought once would have been one of the last to be found fighting for this administration. The President next attacks the local banks. They have failed, notwithstanding the Government credit at their back; I admit it, sir, and always thought they would, and so did the administration. I am excited to feel some sympathy for the pet bank system only by the rank profligacy with which "the party" now denounce their own victims. In his war upon these institutions the President exceeds even Fanny Wright herself. I have one of her books, sir, and I find, I confess, some moderation, something conservative even in her book; but in this message nothing but "destructiveness" is developed. She says—I quote her in contrast with the President—

"And now I will concede, and it is a position I have ever myself assumed, that all things have to be taken successively and in order. But one thing is to propose measures, and another thing to take a general view of the state of affairs. One thing is to distinguish where we are; another, whither we are to go; and another how we are to get there. It is by no means necessary to knock down all the chartered monopolies the first fine morning; nor on any morning that we should unsettle such as may be judged of real public utility, or of importance to the public defence and safety, at a time, too, when of all others, the financial affairs of the nation require careful, and skilful guardianship. Yet, I do think it is not only allowable to look at them, and every morning that we choose; to investigate the nature of their whole structure, examine their foundations, pry into all their hidden passages, back entrances, secret cupboards, traps, and cellars; but, moreover, that it is right and proper, and of urgent necessity, that we should do so. I will not quote the old proverb which says a cat may look at a King—a proverb that is practically true in most countries where there are Kings to look at; nor ask why, in this country, the King, which is, *de jure* at least, the people, may not look at the cat—and at a cat, too, that gives him many hard scratches."

Yes, sir, I am for looking at the cat too. The King, *de facto*, however, is the President—and the President too is the cat which has stolen the cheese from the people, the King *de jure*.

But you see, sir, that even Fanny is not for knocking down all the chartered monopolies the first fine morning; nor on any morning that we should unsettle such as may be judged of real public utility. But the President and Levi Woodbury both now say the pet banks were corrupt.

Sir, I refer to the 9th page of the President's message which I have already quoted, and I beg you to hear what Saint Levi says; he is speaking of the little sub treasuries, now in operation, when he says:

"The existing establishments and officers, whenever convenient, would be employed without a double machinery, or the organization of a new system of agents. Executive control would be diminished rather than increased by them, because any additional officers will be selected, not by the President alone, or the Treasury Department, as the banks now are, but virtually be designated by Congress and the principal incumbents appointed by the consent of the Senate. They would also remove all ground for the objection sometimes urged against the former system, that the Executive alone exercises an extensive patronage and great moneyed influence through a host of bank presidents, directors, and stockholders, scattered through every section of the country, and selected without the assent or check of either House of Congress in any particular case, and making loans of the public money from considerations merely political or official. A very wide discretion will be thus restricted, and a prolific source of suspicion and imputation of favoritism and partiality be entirely stopped.

"The officers, under the plans proposed, will likewise be amenable exclusively to the General Government, and not be embarrassed, like the officers of the banks, by conflicting duties and interests in respect to the States, nor involved in those collisions, jealousies, and recriminations often attendant on that position."

"Angels and ministers of grace defend us!" Who would have imagined such as this from Levi? Last spring that Pharisee was brought to the book and sworn upon the Holy Evangelists of Almighty God to tell the truth, the whole truth, and nothing but the truth, about the corruptions and dangerous influences of the deposite banks, and he tried to know nothing. The whole system and concern was "as fair a 'ting as ever was;" and now we see him coming out in the face of his oath, and reporting officially against "a prolific source of suspicion and imputation of favoritism and partiality!" Oh! how he must have gulped at this much even! how much more when he got out—"the Executive alone exercises an extensive patronage and great moneyed influence through a host of bank presidents, directors, and stockholders, scattered through every section of the country," &c. All this, this very charge—this, the gist of it, was made by Peyton and Wise last winter. Levi kept his own conscience; the Globe denied; the minion and pimp, Reuben, bullied and placarded; the President pronounced us liars all the way from Washington to the Hermitage, and said here we ought to be Houstonized! And now, oh! all earth and heaven! look here! verily, every charge is confessed by both President and Secretary! What thinks my colleague, [Mr. Garland,] the chairman of the committee of investigation, a majority of which reported that there was no agent, no corruption, no political influence; that all was fair, and right republican! Does this not put that majority to the blush?

Never had I, never had my friend Peyton, never shall we again obtain for truth—"which is mighty and will prevail"—such a glorious triumph as this! Sir, I must quote Fanny Wright again. I approve her sentiments cordially when she says:

"But, joking apart, I would ask if, on the part of any set of men, there be either policy or decency, in a world whose rule is right, and whose guide is reason, (or which otherwise is without either rule or guide at all)—I would ask, I say, whether, at the point of inquiry at which the public mind has now arrived, there be policy or decency in the attempt to prevent, or even to retard, the investigation of any question whatsoever? It is a law of the human mind instinctively to resist injustice and to spurn arbitrary dictation. In America, moreover, such is the law of the State. To cry "silence!" to the voice of public curiosity is here outrage; to induce silence by bribery or enforce it by violence is overt treason. What policy is there or can there be in endeavoring to hide what every body sees, or in making endless turns and tricks when the public eye is open to them all? There is a mode by which, in this country, all prudence may be secured and all patience commanded. It is simply to tell the truth on all occasions. Never to mystify and never to falsify. To say, such and such is our position. By so much it is false; but, in setting it right, let us beware of the leeshore and the false current. And, so that we hear of dangers really in existence, and not of imaginary ones invented to draw the ship into some new course of error, or to keep her from taking the shortest course, consistent with safety, into the right one, we may be sure that all on board will possess their souls in peace, and wait for salvation, or strain every nerve to aid it, without murmur or even a hard thought. All on board and nothing in the dark. Whenever a measure is right, or even when not absolutely right in itself, but only indispensable under existing circumstances, there is always reason to give for it; and let it be given, and given without fear of opposition or evasion of discussion, and the mass of this nation will support it."

Sir, I am no advocate of the pet bank system. I think now what I always thought of it; though a letter writer reports me as making terms now with Reuben, between whom and myself, my colleague [Mr. Garland] is said to be the internuncio. I cannot vote for the conservative measure; but I cannot agree that our State institutions shall all be knocked down, as Fanny says, at a blow, by the President, after he has used them for all his ambitious and corrupt designs, and after he is forced to cast them off on account of the odium they have incurred by the abuses to which he has perverted them. It is now politic in "the party" to be the first to denounce them—to cry catch thief! catch thief! the loudest, in order to turn pursuit from themselves, who have been the chief of the sinners, the guiltiest of larceny and robbery, and accessary before and after the fact to the guilt of the pet banks!

The message throughout, sir, is a general and sweeping attack upon the whole credit system, and the gentleman from South Carolina agrees with the President in the locofoco tenet that that system is inimical to human liberty. The gentleman [Mr. Pickens] "preaches back insurrection to the Northern laborer," whom he puts upon the footing of a Southern slave! I should hardly think, sir, that he would be heeded by any laboring men of intelligence, and scarcely by a mob, if white, if they had any pride of condition, or the least self-respect. He tells us that John Milton was a locofoco. I wonder if he was for the sub-Treasury! Sir, in this too, the President is clearly departing from the "footsteps of his illustrious predecessor." In Mr. Taney's letter to the Committee of Ways and Means, dated April 15, 1834, he says: (See passages already quoted.)

Sir, I was much astonished to see the great leader of locofocoism in New York [Mr. E. Moore] shake hands with the gentleman from South Carolina, [Mr. Pickens,] after he took his seat upon the proposed union between Northern laboring men and Southern slaves! I can account for such a union and such congratulations only on the principles that extremes are sure to meet. Not that the laboring men of the North are sure to affiliate with our slaves; but that locofocoism is certain to amalgamate with aristocracy as it now does with power—despotic Executive power, irresponsible, and seeking to be unchecked!

Such were the principles that guided the administration of Gen. Jackson in selecting the deposite banks, and in regulating them; and, sir, let me do Mr. Taney the jus-

tice to say that, however he may have been in error in carrying his principles into practice, he advanced many which were undoubtedly sound and wise, and he seemed to me ever to have been governed by fixed and well-considered principles. He did not appear to adopt a creed merely because it might captivate the popular prejudices; and I do not think that he would have pursued one to extremity if he saw that it would lead to ruin, though it might be "clapped by the crowd." Certain it was that he was Gen. Jackson's favorite Secretary, and he was very far from advancing these alarming appeals to "the poor," to war upon a system which is the best protection of men without capital. To see a poor man assisting to destroy the credit system is at once to remind one of Hogarth's picture of a mob, in which a misguided and frantic wretch is sawing himself down from the top of a high sign-post! Sir, there are two kinds of democracy as to equality among men. The one tends to degrade all men to an equality upon the lowest scale; the other tends to exalt them to an equality upon the highest scale of human excellence. The former strives to pull down all excellencies in systems or in men, and forbids all perfection in either. This is the "Agrarian," which would reduce us to the level of brutes, and which, under the pretence of holding back those who strive to improve their own condition and the moral condition of mankind, to prevent improvement from making differences among men, would, in fact, make industry work for indolence, the vigilant keep guard for the sluggard, give the fruits of enterprise to those who toil not and do not spin, and divide the rewards of wisdom and virtue with ignorance and vice! This kind of democracy is the rankest despotism. It is as unjust and oppressive as it is impracticable and impossible.

Sir, no Government can repress the energies of mind and of moral power. This low, levelling democracy may declare a division of property among men to-morrow; will it be an equal division the next day? No, sir, some will excel others in character, in moral power, in sagacity, in energy, in wisdom and virtue and success; start them even as often as you may, with the profligate, the slothful, the ignorant, the inactive, the careless, the vicious, or the unfortunate, and still "onward," "onward" in advance, will be their course, and all justice yields them the precedence and superiority! Government might as well undertake to "fetter flame with flaxen band, or stop the ocean with the sand," as to put limits by law to the degrees in which one man may, in social life, excel another. The political justice which entitles every man to all the advantages which he can fairly acquire by his merits and the exertion of his moral, physical, and intellectual faculties, is sustained by that other and genuine democracy only which tends to advance and promote human improvement, and to encourage that free emulation and competition which exalt men to an equality on the highest scale of moral, physical, and intellectual excellence! True democracy ever exalts man. It diminishes the power of Government, but it enlarges the moral and social power, and increases the political privileges of men. It makes man free to pursue his happiness, and allows neither king "one," or king "many," to hinder or molest him; it prevents Government from checking the exertion of his powers to acquire all the good he may, without injury to his neighbor; it prompts each one to aspire and to strive for every excellence and for the prize of success; it cheers each one in the pursuit, and crowns each one in the attainment of the ends of a virtuous ambition; it tells all men not to stop, to reach forward farther and farther, higher and higher, towards the standard of perfection; and it strikes down the hand which would arrest the march of freedom! It declares in this land that all, all may strive equally for power and place, for honor and office, for distinction or wealth; and thence is derived the hallowed truth that the sovereignty is in the people—each is a sovereign in himself—a king to compete with his fellow for equality in acquiring the greatest good, and to make man the fellow of man on the highest elevation! The credit system, sir, supports and is supported by this latter creed of genuine democracy. The credit system is the most potent auxiliary of true republicanism. From it have sprung the inventions of the age; the improvements in mechanic arts and powers which have reformed the world. Whence came the steam engine? From the genius of Fulton. Who was Fulton? A pennyless inventor without capital! What would his genius have done without credit? It would have sickened and died in neglect and despair ere it had wrung from the avaricious gripe of a private capitalist the cash—the specie, in time to strike out that giant champion of science, and arts, and civilization, and "peace on earth and good-will to man!" How many of the virtuous and enterprising poor could individual capitalists patronize if they would; and how many do they patronize of those they could? A bank has no soul, it is true, but it dispenses infinitely more real charity than that sordid, hoarding, grasping, selfish tyrant you call a capitalist—a Jew! Let the "poor man" choose between them—a credit system, organized by laws which he may partake in making, and which make the credit free for every "poor man" of character; or, that system which leaves the Jews, the Shylocks, called "private capitalists," alone to make the law of trade—a system which patronizes only "the per cent.," and knows no law but that of the "*auri sacra fames!*" The free system of credit is in danger of being destroyed by despotic power—locofocoism, as mobism ever does, is aiding despotism; and it is left to the virtue and intelligence of "the poor man" to decide which side of the contest he will take—whether with those without capital, and who want credit, against the power of money capital, or with the rich against the poor? The rich now say that the poor are not entitled to credit to enable them to compete with cash for power, and wealth, and honor, and office!

The banking and credit system destroyed, what is proposed as a substitute? A Government Shylock—a political Jew! No, sir, I will not denounce it before I have examined it. What is it? As yet, sir, we know not what it is; we are left to imagine the worst. If it could be well defined, I would inquire whether it is not liable to the very same objections which have been urged with so much false clamor against the Bank of the United States. Of this one fact, sir, I am morally certain—that the present propositions and the views of their advocates in both Houses of Congress, as well as those of the Executive, all tend to the final establishment of a Treasury bank. We are asked to permit the collectors and receivers of the public money to keep it in their custody, to make them its depositaries, to collect nothing but specie in payment of the public dues, and we are told openly from one quarter [Mr. CALHOUN in the Senate] that there must be a permanent issue of Government paper for currency.

Now, sir, I ask, when you have organized and systematized this plan by law, if it is not a creature—call it by what name you please—which is no more known to the constitution than a bank corporation? Will this, in fact, not be a corporation by law? I do not pretend to say that, when formed and examined, it will be found to be unconstitutional, but I warn gentlemen who say that a bank of the United States is unconstitutional, to look well to what they create as a substitute for it; to see whether their substitute is not liable to the same constitutional objections, by their own mode of construction. Are we to be told that the General Government clearly has the power to organize a Treasury Department? Where, whence is such a power derived? Precisely from the same source and by the same deductions that the power to create a national bank is derived—the necessity to execute granted powers,

and the propriety of the means to the end. But the constitutional question aside, the question of expediency still remains; would this plan "accomplish the beneficial purpose promised by its advocates?" And "would it not impair the rightful supremacy of the popular will, injure the character and diminish the influence of our political system, and bring into existence a concentrated money power hostile to the spirit, and threatening the permanency of our republican institutions?"

Could this system furnish a currency? No one will contend that it could furnish a circulating medium of specie. There is not enough of the precious metals in the world to admit of a circulating medium of specie alone, and it would be an impracticable medium if there was. It never did, and never can, answer any other purpose than that of a basis for currency and of change in small transactions of trade. It can never be the substitute of bills of exchange. It cannot be had for the currency, if it is to be demanded for the public dues. Hence the necessity of a permanent Government issue of paper. Will that become the currency of the country? It depends upon whether it is to be convertible. If convertible into specie, it will never circulate, for the reason that the public debtors will always return it upon the Government to call for the specie to pay the Government. If inconvertible, or Government issues, as the banks do, more paper than it can redeem, the paper will depreciate, or the Government will, at times, be compelled to suspend specie payments precisely as the banks—the Government will become a greater nuisance to the people, and more base and perfidious to them, than the local banks have ever become to the Government. Besides, if the Government issues permanently this paper, it must receive it in payment of the public dues. If it receives it in payment of the public dues, where is the Government's specie to come from to redeem the excess of its paper which may be issued over and above the amount which may be required to meet the demand for paper wherewith to pay the public dues? Whether such paper will depreciate will depend upon the amount Government issues: if it exceeds the demand for paying public dues, the paper must depreciate, as did our old continental money. If it does not exceed that demand, what is to become of the great interests of trade—whence the supply of a currency, exchange, and a safe, sound, and uniform circulating medium? If Government is not to concern itself about supplying a currency, why not pay specie alone, if it is to receive specie alone? But, sir, it is not in the mind of its advocates to make this plan supply a currency. It is to insure the Government interests alone, and to leave the people to take care of themselves. No, not to leave the country to shift for itself—it must destroy the country by destroying its currency. The Government will operate as a great sponge to absorb the specie from the banks, and from its proper places of deposite as a basis of circulating medium. This sub-Treasury system must inevitably depreciate the local bank notes, and the people's securities of trade; it must leave them to deal in shin-plasters forever, whilst it deals in hard money. It makes the servant greater than the master, it separates the Government from the people, whilst it is as much their concern as are private affairs; and it makes the interests of the Government conflict with those of the people. It demands of the people specie for Government, while the Government dries up every source whence specie can be be drawn. It establishes one currency, the metallic, for the servants, and another, the basest depreciated paper, for the masters. But the money view of this scheme is nothing compared with its political bearings. Has the gentleman from South Carolina [Mr. Pickens] examined the effect of this amendment to collect the Government dues in specie, upon "the great landed interests of the South?" He is sure, he says, that it will make us our own importers. I insist, sir, on the contrary, that it will raise the premium on specie exorbitantly, and that premium will and must raise the tariff. The importer must purchase the specie to pay the duties to Government, and the amount of the premium must be added to the price of the goods, and the consumers, his constituents and mine, must at last pay the pipers, no matter who imports.

But, sir, is this plan "proper?" Is it congenial with the spirit of our institutions? The President says, "It is believed that a considerate and candid investigation of these questions will result in the conviction that the proposed plan is far less liable to objection, on the score of Executive patronage and control, than any bank agency that has been, or can be, devised." This is the very essence of consistency. To charter a national bank will be "to concentrate a moneyed power, hostile to the spirit and threatening the permanency of our republican institutions;" but to put the whole of the public money in specie in the hands of a hundred thousand officers of the Government, the Briarian arms of the Executive—the creatures whom the President makes and unmakes at his good will and pleasure—will be a sure way of vindicating the supremacy of the popular will, of preserving the character and influence of our political system, and of diffusing the moneyed power! When, too, it would concentrate about sixteen millions in specie in the hands of a single collector in the city of New York! The bank of the United States might, forsooth, become a dangerous political monster when united with an Executive. This plan is perfectly harmless and innocent, less liable to objection, on the score of "Executive patronage and control," though it would certainly place in the hands of the President the whole concentrated moneyed power of the Government! This, sir, is too unblushing a demand for more patronage and control; this is almost putting on the imperial purple and the crown in the face of all the people! Oh, no; the President meekly says:

"If a Chief Magistrate may be allowed to speak for himself on such a point, I can truly say, that to me nothing would be more acceptable than the withdrawal from the Executive, to the greatest practicable extent, of all concern in the custody and disbursement of the public revenue; not that I would shrink from any responsibility cast upon me by the duties of my office, but because it is my firm belief that its capacity for usefulness is in no degree promoted by the possession of any patronage not actually necessary to the performance of those duties. But, under our present form of government, the intervention of the Executive officers in the custody and disbursement of the public money seems to be unavoidable; and before it can be admitted that the influence and power of the Executive would be increased by dispensing with the agency of banks, the nature of that intervention in such an agency must be carefully regarded, and a comparison must be instituted between its extent in the two cases."

Yes, sir, "if he may be allowed to speak for himself on such a point;" he speaks boldly enough when vouching a wish to be deprived of "all concern in the custody and disbursement of the public revenue"—"not that he would shrink"—oh, no; he boldly argues to show that all concern ought to be given up to him and his minions! What did Mark Antony say of Cæsar? "Thrice did he refuse the kingly crown." Sir, if nothing would be more acceptable to the President than the withdrawal from the Executive of the immense and irresistible and corrupting influence and patronage which the public money, united with his political power, gives him and the creatures of his will, I, for one, am disposed, gladly eager to gratify his patriotic wishes. I devoutly pray that you will indulge such a desire, regain the constitutional powers of Congress to keep and control the public revenue, and that you will rekindle the spirit and protect the permanency of our republican institutions by diminishing Executive patronage by every law-

ful means in your power. Now is an auspicious period to do much for our liberties, in imminent danger from this threatening cause of alarm to every watchful and faithful patriot. But no. The President, so far from co-operating in this great work of curtailing Executive patronage, asks to be trusted by law with the entire collection, keeping, and disbursement of our revenue; he denounces all banking, petitions for a divorce of the Government from banks, and yet, like Madame Darusmont, is for a union with a Government bank! Heretofore, sir, well it might have been said of him, as locofoco John Milton says, in Paradise Regained, of Satan:

"What have been thy answers, what but dark,
"Ambiguous, and with double sense deluding,
"Which they who asked have seldom understood,
"And not well understood as good not known?
"Whoever, by consulting at thy shrine,
"Returned the wiser, or the more instruct
"To fly or follow what concerned him most,
"And run not sooner to his fatal snare?"

But now, sir, now the veil is raised—the horrid front is seen—the wicked intent of wedding the money of Government with the political power of the Executive is plainly manifested; and, if the people start not back affrighted and appalled, it will be because

"God hath justly given the nation up
"To thy delusions, justly, since they fell
"Idolatrous!"

When Mr. WISE had concluded,

The question was taken on the amendment proposed by Mr. DAWSON, as a substitute for the bill; which was rejected, without a count.

The committee then, on motion of Mr. CAMBRELENG, rose, and reported the bill to the House, which, on motion of Mr. PATTON, then adjourned, at a quarter past 12 o'clock.

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SATURDAY, OCTOBER 14.

After transacting some other business—

Mr. CAMBRELENG, on leave, submitted the following resolution:

*Resolved*, That the Clerk of the House and his assistants, the sergeant-at-arms, the principal door-keeper and assistant door-keeper, the postmaster, and the messengers and other attendants on and about the House, be allowed each two months' pay for services during the extra session: and that the police and lamplighter of the Capitol and Capitol square, be allowed one months' pay each.

Mr. WHITTLESEY moved to refer the resolution to the Committee of Accounts.

Mr. BRIGGS then moved to amend the resolution by embracing the librarian, the assistant librarian, and messenger of the library.

After a few remarks by Mr. THOMPSON in favor of the resolution, Mr. WHITTLESEY withdrew the motion, but gave notice that he should introduce a resolution at the next session of Congress, requiring all these matters of extra services to go to committees, so that the House might know what these extra services would amount to before they were voted.

Mr. McKAY renewed the motion to refer the subject to the Committee of Accounts.

After some remarks by Mr. JOHNSON, of Virginia, and Mr. THOMPSON,

Mr. EWING moved to lay the resolution on the table: lost.

The amendment was then agreed to; and after some remarks by Messrs. RENCHER and A. H. SHEPPERD in opposition to, and Messrs. BRIGGS, CAMBRELENG, and THOMPSON in favor of, the resolution was adopted.

## FLORIDA WAR.

The House then proceeded to the unfinished business of yesterday morning, which was the consideration of Mr. WISE's resolution on the Florida war: and the question being on Mr. McKAY's motion to postpone the consideration of the resolution to the 1st of December next—

Mr. UNDERWOOD said that, in the early stages of the debate upon the resolution under consideration, he understood the gentleman from Virginia [Mr. WISE] to say that he had been informed in a manner entitled to credit that General Jesup had entered into an engagement with Hopothlehohola, stipulating to secure and protect that chief in his possessions, provided he would give his aid to the army of the United States, and assist General Jesup in his operations; that the gallant Indian chief, relying upon the assurances of General Jesup, had devoted himself to our service, and that, after success crowned the operations of General Jesup, he turned upon the chief in violation of his engagement, and drove him from his possessions. I was forcibly impressed at the time with the impropriety of the conduct thus imputed to General Jesup. I could not believe that a gallant soldier, who had risen from the humblest ranks to the command of an army, who had on several occasions displayed a combination of talents and bravery which induced the country to confide in him as a fit commander in the South, would so far debase himself as to decoy an Indian chief into his service, by a promise of protection, and, as soon as he had answered his purposes, turn upon his ally in violation of his engagement, and expel him from his home. Such conduct would not only have been disgraceful to General Jesup as a man, but it would tarnish the reputation of the country, regarding him as the representative of the country. Feeling as I did, I asked the gentleman from Virginia whether General Jesup's engagement with Hopothlehohola, and after conduct, had been the result of orders emanating from higher authority, or whether General Jesup alone was responsible? The gentleman's information did not enable him to answer. I deemed it proper to communicate the substance of the statement made by the gentleman from Virginia, to General Jesup. On day before yesterday I received his answer, in which he says: "No such treaty or engagement as that stated to have been made was ever thought of; every engagement made with Hopothlehohola, so far as depended upon me, or so far as I am informed, has been faithfully fulfilled." Thus, sir, a direct contradiction is given by General Jesup to the information communicated to the House. His letter evinces a desire to have the "whole subject of the war in Alabama and Florida investigated." Instead of shrinking from it, he invites it. His language is: "Let persons and papers be sent for; let investigation be pushed to the utmost, I have nothing to fear."

In reference to the supposed treaty or engagement with Hopothlehohola, the General indignantly remarks that, had it been made, "no power on earth should have compelled him to violate it." He would have surrendered his commission sooner than present himself before the world in the attitude of playing the hypocrite with an Indian chief; and, after securing his confidence and assistance, turning upon him the instruments of destruction. Such sentiments are worthy of an American general; and I trust, sir, they meet with proper sympathy in the bosoms of the members of this House.

I have thought it an act of justice to General Jesup to make the preceding statement; and now that I am up, I shall take the occasion to say, that I trust the resolution will be adopted, and that the fullest investigation may be had into all the operations of the Florida war.

Mr. WISE vindicated himself from having, in his own person, made the charge at all: he had stated it as it had been stated to him: he rejoiced to hear the language of General Jesup in relation to it: but insisted that this very reply went to show the importance of the investigation he advocated, that justice might be done to the innocent, while the guilty were exposed.

Mr. UNDERWOOD exculpated Mr. Wise from all blame in the matter, and expressed approbation of his course, as an honest discharge of his duty.

The hour having expired, the House resumed the consideration of the

SUB-TREASURY BILL.

The question being on ordering to its third reading the bill from the Senate imposing additional duties, as depositaries, in certain cases, on public officers—

Mr. WILLIAMS, of Tennessee, moved to lay the bill on the table; but at the request of Mr. Clark, of New York, withdrew it, for the purpose of affording Mr. C. an opportunity of submitting some remarks.

Mr. CLARK then addressed the Chair as follows:

Mr. Speaker: I do not rise to discuss the merits of the bill, or to express any opinion in relation to them. I should have preferred that a motion had been made to postpone its further consideration until the first day of the next session. The subject matter of the bill is one on which there is, among the friends of the administration, a difference of opinion, and, I have no doubt, an honest difference. The gentleman from South Carolina, a friend of the administration, in his remarks of yesterday, regretted that he should be called upon at this time for final action on the bill. He preferred to wait until an opportunity should be afforded to him to ascertain the wishes of his constituents. In these views I concur. In voting for the present motion, I shall do so for the same reasons which would influence me to vote for a postponement until the next session, considering the effects the same, neither of which determines the ultimate fate of the bill. The vote I am about to give will furnish no evidence of my opinion as to the merits of the bill, or of my action on the question of its final passage. The sub-Treasury scheme, considered as an administration measure, is novel. In 1835, it was proposed by the whigs in Congress, and received the unanimous and vigorous opposition of the democratic members. Whether it is possible for the opposition to originate a good measure, I will not inquire. They have, however, been unfortunate in presenting at this session any measure, good, bad, or indifferent, always saving and excepting their sovereign remedy, their universal panacea for all our fiscal maladies, the United States Bank.

I repeat that this measure, as a democratic one, is new. Public opinion has not been sufficiently enlightened to draw any correct conclusion of its disposition. It has not been, to any considerable extent, the subject of discussion, either in the social circle, or in the primary assemblies of the people. And the same remark is true as regards the newspaper press. I doubt whether five country papers in the State of New York, previous to the session of Congress, had canvassed this project, or given any opinions thereon. The Albany Argus, the leading democratic journal in that State—a journal which possesses great influence over the country press—had not, up to that period, taken ground on this subject. Under these circumstances, it can hardly be expected that resolutions emanating from county conventions could be considered as furnishing that evidence of the popular will as they otherwise would. All the republican conventions have expressed their approbation of the general principles set forth in the message; few of them, however, have given any expression of opinion as regards this specific measure. No one is more ready, on all occasions, to bow with deference to the will of his constituents, when formed upon reflection and deliberation, and fairly and fully expressed, than myself; and it will ever be my pleasure to carry that will into execution. Were I opposed to this bill, (and I repeat that I give no opinion in regard to it,) I would, with alacrity, surrender my own opinion at the feet of my constituents.

Sir, there is no pressing necessity for the immediate passage of this bill. The Government is now going on receiving and disbursing its revenue in the same manner as provided in the bill. Should it now pass, it will produce no change. Since the suspension of specie payments, the Government has met with no difficulty in the management of its fiscal operations, neither can it for six short weeks, at which time the bill can be acted on, under the influence of a well informed and plainly expressed public opinion. It has been my misfortune not to have enjoyed an interchange of sentiment with my constituents, as have most of the gentlemen of this House. Business of a private, but pressing nature, has entirely separated me from them since April last. I wish to obey their will, and for this purpose I should be glad, by a personal interview, to ascertain that will; and when ascertained, I shall not fail to execute it.

Mr. C. then, according to the pledge he had given, renewed the motion to lay the bill on the table.

Mr. CONNOR moved a call of the House, with a view to give time for members to come in.

On this question the yeas and nays were demanded and ordered; and being taken, resulted as follows: Yeas 186, nays 5.

So the House resolved that there should be a call.

The roll was thereupon called, when 218 members responded to their names. The doors having been closed, and the absentees called over, 222, in all, appeared to be present.

Mr. CHAMBERS moved to suspend further proceedings in the call.

Mr. CAMBRELENG, with a view to allow still further opportunity for absent members to come in, demanded the yeas and nays on this motion.

They were ordered, taken, and stood as follows: Yeas 171, nays 30.

So the call was suspended, and the doors of the hall were re-opened.

The question being on laying the bill on the table—

Mr. GRENNELL demanded the yeas and nays, which were ordered to be taken.

Mr. LEWIS asked the mover to withdraw his motion, with a view to enable him to move an amendment to the bill, which he was most anxious to obtain a decision upon.

The mover refusing—

Mr. LEWIS asked that the amendment should be read; but the Chair ruled that to be out of order after a motion had been made to lay the bill on the table.

Mr. HAYNES made the question of order, but the Chair affirmed its decision, from which no appeal was taken.

The yeas and nays were thereupon taken, and resulted as follows:

Yeas—Messrs. Adams, Alexander, Heman Allen, J. W. Allen, Aycrigg, Bell, Biddle, Bond, Borden, Briggs, W. B. Calhoun, John Calhoon, W. B. Campbell, John Campbell, W. B. Carter, Casey, Chambers, Cheatham, Childs, Clark, Clowney, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Elmore, Everett, Ewing, R. Fletcher, Fillmore, J. Garland, R. Garland, Goode, J. Graham, W. Graham, Graves, Grennell, Griffin, Halsted, Harlan, Harper, Hastings, Hawes, Henry Herod, Hoffman, Hopkins, Henry Johnson, W. C. Johnson, Kilgore, Lawler, Legare, Lincoln, A. W. Loomis, Lyon, Mallory, Marvin, J. M. Mason, S. Mason, Maury, May, Maxwell, Menefee, Mercer, Milligan, M. Morris, C. Morris, Naylor, Noyes, Ogle, Patterson, Patton, Pearce, Peck, Phillips, Pope, Potts, Rariden, Randolph, Reed, Rencher, Richardson, Ridgway, Rumsey, Russell, Sawyer, Sergeant, A. H. Shepperd, C. Shepard, Shields, Sibley, Slade, Smith, Snyder, Southgate, Stanly, Stewart, Stone, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, A. S. White, John White, E. Whittlesey, L. Williams, Sherrod Williams, J. L. Williams, C. H. Williams, Wise, Yorke—119.

Nays—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Bouldin, Brodhead, Bronson, Bruyn, Bynum, Cambreleng, T. J. Carter, Chaney, Chapman, Cilley, Claiborne, Cleveland, Coles, Connor, Craig, Cushman, Davee, DeGraff, Duncan, Edwards, Farrington, Fairfield, I. Fletcher, Foster, Fry, Gallup, Gholson, Glascock, Grant, Gray, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Holsey, Howard, Hubley, W. H. Hunter, R. M. T. Hunter, Ingham, T. B. Jackson, J. Jackson, J. Johnson, N. Jones, J. W. Jones, Kemble, Klingensmith, Leadbetter, Lewis, Logan, Arphaxed Loomis, Martin, McKay, R. McClellan, A. McClellan, McClure, McKim, Miller, Montgomery, Moore, Morgan, S. W. Morris, Muhlenberg, Noble, Owens, Palmer, Parker, Parmenter, Paynter, Pennybacker, Petrikin, Pickens, Plumer, Potter, Pratt, Prentiss, Reily, Rives, Robertson, Sheffer, Sheplor, Spencer, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, T. T. Whittlesey, J. W. Williams, Worthington, Yell—107.

So the bill was ordered to lie on the table.

Mr. LEWIS now wished to offer his amendment, but the chair ruled it out of order.

Mr. PICKENS inquired whether a motion to take up the bill again might not be entertained by consent of such a majority as were competent to change the order of business?

The CHAIR said that could only be done by suspending the rules for the purpose. No business had intervened after laying the bill on the table.

Mr. LEWIS moved to adjourn. Negatived.

Mr. LEWIS now said business had intervened, and again moved that the bill be taken up, and his amendment received.

The CHAIR still deciding the motion to be out of order—

Mr. GRIFFIN, to accommodate the gentleman from Alabama, moved a reconsideration of the vote by which the bill had been laid on the table.

The yeas and nays were demanded.

Mr. BORDEN moved to lay the motion for a reconsideration on the table, and demanded the yeas and nays, which were ordered. Being taken, they resulted as follows:

Yeas—Messrs. Adams, Alexander, H. Allen, J. W. Allen, Aycrigg, Bell, Biddle, Bond, Borden, Bouldin, Briggs, W. B. Calhoun, J. Calhoon, W. B. Campbell, J. Campbell, W. B. Carter, Casey, Chambers, Cheatham, Childs, Clark, Clowney, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Everett, Ewing, R. Fletcher, Fillmore, J. Garland, R. Garland, Goode, J. Graham, W. Graham, Graves, Grennell, Halsted, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, H. Johnson, W. C. Johnson, Kilgore, Lawler, Legare, Lincoln, A. W. Loomis, Lyon, Mallory, Marvin, J. M. Mason, S. Mason, Maury, May, Maxwell, Menefee, Mercer, Milligan, M. Morris, C. Morris, Naylor, Noyes, Ogle, Patterson, Patton, Pearce, Peck, Phillips, Pope, Potts, Rariden, Randolph, Reed, Rencher, Ridgway, Rumsey, Russell, Sawyer, Sergeant, A. H. Shepperd, C. Shepard, Shields, Sibley, Slade, Smith, Snyder, Southgate, Stanly, Stewart, Stone, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, A. S. White, J. White, E. Whittlesey, L. Williams, S. Williams, J. L. Williams, C. H. Williams, Wise, Yorke—118.

Nays—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Brodhead, Bronson, Bruyn, Bynum, Cambreleng, T. J. Carter, Chaney, Chapman, Cilley, Claiborne, Cleveland, Coles, Connor, Craig, Cushman, Davee, DeGraff, Duncan, Edwards, Elmore, Farrington, Fairfield, I. Fletcher, Foster, Fry, Gallup, Gholson, Glascock, Grant, Gray, Griffin, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Holsey, Howard, Hubley, W. H. Hunter, R. M. T. Hunter, Ingham, T. B. Jackson, J. Jackson, J. Johnson, N. Jones, J. W. Jones, Kemble, Leadbetter, Lewis, Logan, Arphaxed Loomis, Martin, McKay, R. McClellan, A. McClellan, McClure, McKim, Miller, Montgomery, Moore, Morgan, S. W. Morris, Muhlenberg, Noble, Owens, Palmer, Parker, Parmenter, Paynter, Pennybacker, Petrikin, Pickens, Plumer, Pratt, Prentiss, Reily, Richardson, Rives, Robertson, Sheffer, Sheplor, Spencer, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Wagener, Webster, Weeks, J. W. Williams, Worthington, Yell—105.

So the House ordered the motion to lie on the table.

## ACCOUNTS OF THE DEPOSITE BANKS.

Mr. CAMBRELENG now moved that the House go into Committee of the Whole on the state of the Union; which motion prevailing, Mr. Howard, of Maryland, was called to the chair of the committee.

The committee took up the bill from the Senate to adjust the accounts of the late deposite banks.

The bill is in the following words:

An Act for adjusting the remaining claims upon the late deposite banks.

*Be it enacted, &c.*, That the Secretary of the Treasury be, and he is hereby, authorized to continue to withdraw the public money, now remaining in any of the former deposite banks, in a manner as gradual and convenient to the institutions as shall be consistent with the pecuniary wants of the Government, and the safety of the funds thus to be drawn; and that no further interest than that required by the deposite act of the twenty-third of June, one thousand eight hundred and thirty-six, under which those deposites were made, shall be demanded of any bank which has met, and shall hereafter meet, the requisitions of the Department. This provision shall also extend to such public moneys as may remain in any of the said banks, whether standing to the credit of the Treasurer of the United States, or of any disbursing or other public officer of the Government.

Sec. 2. *And be it further enacted*, That in case of neglect or refusal by any of the said banks to comply with the requisitions of the Secretary of the Treasury, as he shall make them, in conformity with the first section of this act, suits shall be instituted, where that has not already been done, to recover the amounts due to the United States, unless the defaulting bank shall forthwith cause to be executed and delivered to the Secretary of the Treasury a bond, with security to be approved by the Solicitor of the Treasury, to pay to the United States the whole moneys due from it in three instalments; the first to be paid at the expiration of four months from the passage of this act, the second at the expiration of six months, and the remaining instalment at the expiration of nine months from the same period; and interest thereupon at the rate of six per centum per annum, from the time of default, together with any damages which may have accrued to the United States from protests of drafts drawn upon it, or from any other consequences of its failure to fulfil its obligations to the public Treasury.

To this bill Mr. Loomis, of New York, had moved, in Committee of the Whole House on the state of the Union, on the 10th of October, the following amendment to the first section:

"Providing, that all banks give security for the payment of four per cent. per annum on all sums of money remaining in their possession as deposites."

Mr. WHITTLESEY, of Ohio, suggested to Mr. L. to adopt a modification of his motion, to which, after some desultory explanations as to the wording of the bill, he consented.

Mr. JOHNSON, of Louisiana, opposed the amendment as modified, and wished to introduce a different one.

Mr. GARLAND, of Louisiana, spoke in explanation of the amendment he had offered to the bill.

Mr. LINCOLN preferred the amendment of Mr. Loomis to that of Mr. Garland. He thought the deposite banks should be charged with interest for the use and enjoyment of the public money. He looked upon the bill as inseparably connected with the bill to postpone the payment of the public deposites, and he was opposed to any action of the House which would relieve the Government from compliance with that law, providing for the payment of that portion of the surplus revenue which shall be due to the States on the 1st day of January, 1839.

Mr. L. showed the connexion between this and the postponement bill, going into the subject at some length.

He had not finished, when the House took the usual recess.

Evening Session.

Mr. LINCOLN closed his remarks, begun before the House took its recess.

Mr. MARTIN, of Alabama, followed, and went into a view of the general policy of the bill, suggesting, at the close, to the mover of the pending amendment a modification of the same, to the effect that the bond contemplated by the bill be given for the payment of the moneys due the Government, in three instalments; the first on the first of July, 1838, the second in six months afterwards, and the third in twelve months, after default: provided that such deposite banks as belong exclusively to the State in which they are situated, and for the payment of which the faith of such State is pledged, shall not be required to give the security in this section contemplated.

Mr. ADAMS now rose, and said he had some inquiries to make in regard to the meaning of the first section of the bill. He would ask the chairman of the Committee of Ways and Means to what banks the following words were intended to apply: "And that no further interest than that required by the deposite act of the twenty-third of June, one thousand eight hundred and thirty-six, under which those deposites were made, shall be demanded of any bank which has met, and shall hereafter meet, the requisitions of the Department."

Mr. Cambreleng replied that the gentleman from Massachusetts had answered his own interrogatory, by reading from the bill itself. The section simply meant to hold the deposite banks to the performance of their obligations.

Mr. Adams resumed. He could not perceive the need of any law at all on the subject, unless there was some particular allusion in this provision of the bill to delinquent banks. According to this reply of the chairman of the Committee of Ways and Means, the banks that have paid every dollar they owed the Treasury, and faithfully complied with their engagements, are to be treated precisely as defaulting banks are.

Mr. Cambreleng remarked that the act would hold out inducements to comply faithfully with their engagements.

Mr. Adams. But of what earthly use is it to make such an inducement for those banks which have already and always done this? This was somewhat insulting to such institutions. The question was not answered; and he conceived that if the bill were to pass in its present form, it would not operate as any relief to the deposite banks; being simply an act declaring that the Government will not charge with unlawful interest any institution which has always faithfully performed its engagements. The law would be a perfect dead letter. And here Mr. A. referred again to the language of the bill. It provides, he said, that the money was to be positively drawn—in a gradual manner—with no further interest chargeable thereon than that provided by the deposite act of 1836, to any bank which has met, and which shall meet, its engagements. If a bank had not complied with its engagements, though the default should be ever so small, this section has no application to the case. It simply says to those which have fulfilled all their engagements, we will not play the Shylock with you, because you have been true to your engagements. The next section of the bill proposes to put the claims described in the first section in suit. This certainly could not be done, inasmuch as the only banks to which any direct allusion is had in that section are those which have met and shall meet all their engagements. This was the first inquiry Mr. A. wished to make. The committee could decide for themselves how far it had been answered, and what necessity there was for the passage of any such law as is now proposed.

The second question he would propound (and he asked pardon of the gentleman from New York, Mr. Cambreleng, for troubling him, but he confessed that his faculties of comprehension did not permit him to understand the phraseology of the bill) was, what is meant by "no further interest" in this section? He would ask, what "further interest" could be demanded than that contemplated by the act of 1836? The object of a law was ever to remedy some existing evil; but in this case the terms of the law itself deny that any evil exists.

Mr. Cambreleng rose quickly, and remarked that at so late a period of the session, the last working night, he could not waste his time in discussing nouns and pronouns, verbs and adverbs, with the gentleman from Massachusetts.

Mr. Adams resumed. Well, sir, as language is composed of nouns and pronouns, verbs and adverbs, when they are put together to constitute the law of the land, the *meaning* of them may surely be demanded of the legislator, and those parts of speech may well be used for such a purpose. But if such explanation be impossible, it certainly ought not to be expected that this House will consent to pass a law composed of nouns and pronouns, verbs and adverbs, which the author of it himself does not understand.

But, sir, the act goes on to provide as follows: "This provision shall also extend to such public moneys as may remain in any of the said banks, whether standing to the credit of the Treasurer of the United States, or of any disbursing or other public officer of the Government."

Mr. A. would ask, what suit could be brought on the first section of this bill against any bank or corporation? It operates on nothing. It is a dead letter, and ought not to be adopted by this committee.

Mr. A. presumed that the bill was susceptible of amendment; and if the chairman of the Committee of Ways and Means, or any other gentleman, would move such a one as would make the bill operative for some end or object, he would go for such an amendment, although he should afterwards vote against the bill. He should not himself offer any such amendment. He would suppose that it was generally believed by members, who had not particularly noted the phraseology of the bill, that it was intended to relieve delinquent deposite banks—banks which had suspended specie payments—banks which had not met the requisitions of the Department—banks which had dishonored its drafts, and thereby become liable to the demand of some further interest than that required by the deposite act of 23d June, 1836; which further interest it is the purpose of this provision of the bill to relinquish, on the part of the United States. But this section has no reference to any such bank. It applies solely and exclusively to banks which have met, and shall meet, all the requisitions of the Department—which have not suspended specie payments—which have punctually paid, and shall hereafter pay, every dollar of draft due by them; and with exquisite absurdity this section provides that no further interest shall be demanded of them than that required by the deposite act of June, 1836; that is, that the Government will not

demand of them that which it has not the shadow or pretence of a right to demand. Now, Mr. A. said, he would suppose it intended to apply to the delinquent banks, and he must ask another question, which, in the opinion of the chairman of the Committee of Ways and Means, might seem to betray great ignorance on his part, and that was, what was the true import of the proviso contained in this bill, that "no further interest shall be demanded of the banks, though delinquent, than that required by the deposite act of 23d June, 1836?"

It was necessary to presuppose, in order to give any meaning to this passage, that the Government have a right to demand something more than this; and, although the chairman of the Committee of Ways and Means was so unwilling to answer his questions, he must still hold him responsible to the committee for a proper explanation of his own proposition. And what does the Government, in this section, resign by this promise? What is the substance of this promise? What right have we to demand what this bill makes us promise to resign? Mr. A. took it for granted that it was some penalty incurred by the delinquent banks, in not meeting the demands of the Government, that was intended hereby to be relinquished, on certain conditions. By the charters of most banks, so far as he knew, the suspension of specie payments forfeited their charters, or subjected them to the payment of extraordinary interest. The charter of the late Bank of the United States required the payment of twelve per cent. per annum interest after refusal to pay specie; and the banks of his own State, (Massachusetts,) by suspending specie payments, incurred the penalty of paying twenty-four per cent. interest. Mr. A. took this section to apply to such provisions as these in the charters of the deposite banks; and he demanded again for whom this relief was intended? What is relinquished in each of the contemplated cases? The country should know. It was not our own claims that were to be given up or compromised, but those of the people of the United States. It was their money which these banks were refusing to pay. Now this bill promises to relinquish every thing—the penalty, whatever it may be, in each case, the extra interest, every thing, in short, if the banks will only pay the Government what they owe in a reasonable time. Now, will the chairman of the Committee of Ways and Means tell this committee what this is which he proposes to give away, and relinquish to these banks, in the name of the people?

Mr. CAMBRELENG said he had but one way of responding to the gentleman from Massachusetts—he would call for the consideration of some other bills before the committee.

Mr. ADAMS called the chairman of the Committee of Ways and Means to order, and the latter resumed his seat.

Mr. LYON remarked that, by a provision in the charter of one of the banks alluded to, the Bank of Alabama, no penalty for the non-redemption of its notes in specie could be demanded by the United States of that institution.

Mr. ADAMS asked how it then happened that the Secretary of the Treasury had confided the public money to an institution in which it was not protected by the liability of such institution to the same penalty as in other cases? It was the duty of Congress to see that justice was done to this Government as to the keeping safely of the public moneys. If the Secretary of the Treasury had acted thus, he had wasted and risked the safety of the money of the people.

But the section referred to does not apply even to the Bank of Alabama. Even though that institution has failed to comply with its obligations to the Government, it is not held by any penalty in the act before the committee to answer for its delinquency. It is perfectly clear, and may safely continue in such delinquency, for this provision of the act is, to all intents and purposes, even if passed, a dead letter. And thus gentlemen are in a dilemma. Either the bank has subjected itself to the payment of extra interest by refusing to pay specie, or the Secretary of the Treasury has made with that bank a ruinous bargain, (so far as the country is concerned,) by which it escapes with impunity. And, by the way, it might be remarked, (said Mr. A.,) that this answers another gentleman who had complained of the bill before the committee as an *ex post facto* law, and oppressive and cruel in its operations upon the State he came from. Certainly there was nothing cruel in the terms of the act; but, on the contrary, it was excessively indulgent to all the delinquent banks.

Mr. A. remarked that the committee now perceived the relation in which the Bank of Alabama stood to the State itself—the bank itself being the State. But it had been said by a gentleman from Kentucky [Mr. CHAMBERS] that it was impossible, in this particular case, to raise the money required. What, sir, asked Mr. A., is the credit of the State of Alabama worth nothing? Sir, could not the State of Alabama raise by her credit, in twenty-four hours, a loan of one million of dollars, and pay off this debt of her bank? [Mr. CHAPMAN said, "Yes, at five per cent. interest."] It was, then, perfectly possible, and it was natural that the gentlemen from that State should feel indignant at the imputation that it was not, especially when, as had been said by one of them, [Mr. CHAPMAN,] that that State could, at any moment, raise a loan of a million of dollars! And where, then, asked Mr. A., would be the charge of cruelty on the part of this dead-letter law?

As to the second section of the bill, Mr. A. did not know any very strong objections which could be brought against it. He referred to the provisions of the law of June, 1836, depositing the surplus money in the Treasury with the States, and adverted to the facts that three of the instalments, authorized by that act of Congress, had been paid over, and that the fourth instalment, payable on the first day of the current month, had been postponed, by a recent act, until January, 1839. In connexion with these facts, Mr. A. took a comparative view of the amounts to which the States were severally entitled, on the 1st of October, 1837, under the deposite act of June, 1836, and of the amounts of public moneys actually on deposite with the several States in July and August, 1837, observing that he derived these statements from the report of the Secretary of the Treasury.

Mr. Chairman, continued Mr. A., there is one point of view in which this bill, together with that to which it is a mere supplement or rider—I mean the bill for the postponement of the fourth instalment of the deposites with the States—is so deeply interesting to my immediate constituents, to those of my colleagues, and to those of many other members of this House, that I deem it my indispensable duty to expose it to the House and to the country, in minute, though in dry and tedious detail. As a preliminary to which, I must read so much of the deposite act of the 23d of June, 1836, as prescribes the payment of the deposites to the States. It is in these words:

"Sec. 13. *And be it further enacted*, That the money which shall be in the Treasury of the United States on the 1st day of January, 1837, reserving the sum of five millions of dollars, shall be deposited with the several States in proportion to their respective representation in the Senate and House of Representatives of the United States, as shall by law authorize their treasurers or other competent authorities to receive the same on the terms hereinafter specified, &c.

"Sec. 14. *And be it further enacted*, That the said deposites shall be made with the said States in the following proportions, and at the following times, to wit: one-quarter part on the first day of January, 1837, or as soon thereafter as may be; one-quarter part on the first day of April; one-quarter part on the first day of July; and one-quarter part on the 1st day of October, all of the same year."

The conditions were accepted by all the States. The pledge, you will observe, was positive and unqualified. The surplus (reserving the five millions) actually in the Treasury on the first day of January last, was all positively and expressly devoted to be deposited with the States. The word appropriated was not used, because it was to be a deposite; but the identical money was as specifically denoted as it could have been by a direct appropriation.

Accordingly, on the third day of January, 1837, the Secretary of the Treasury reported to the Speaker of the House of Representatives, that the balance in the Treasury on the first day of that month, subject to be apportioned among the different States, had been ascertained to be thirty-seven million four hundred and sixty-eight thousand eight hundred and fifty-nine dollars ninety-seven cents. And appended to that report was a statement of the sums payable to each of the several States of the Union, in the fulfilment of that act in the course of the present year.

The first, second, and third instalments have accordingly been paid—excepting a part of the third, which yet remains *in transitu*; and on the first day of this month the sum of $9,367,214 99 should have been paid to the several States in the same proportion as the three previous instalments had been paid, and as had been specified in the report of the Secretary of the Treasury to the House of 3d of January, 1837.

The money was, on the 1st of October, all in the deposite banks selected by the Secretary of the Treasury himself. It was to have been expected that, with the ample notice which he had enjoyed of more than fifteen months since the enactment of the deposite law, he would at least have taken care to place in the deposite banks of each State a sum adequate to the payment of the instalment payable to that same State. By this simple operation, when the 1st day of October came, the instalment due each State would have been deposited in its own banks, ready to be passed to the credit of its treasurer, or other officer duly authorized to receive the money.

Instead of this, what had the Secretary of the Treasury done with it? I hold in my hand a comparative statement of the sums which each of the States was, by the deposite act of the 23d of June, 1836, entitled, on the 1st of October, 1837, to receive, with the sums in actual deposite, in the late deposite banks throughout the Union, at the commencement of the present session, and again with the balances due by the same deposite banks on the 4th of October, three days after the fourth instalment of the deposite with the States should have been paid.

It is a very curious paper; and, as the chairman of the Committee of Ways and Means laid before the House, and obtained an order for the printing of a statement by himself of the condition of the Treasury, if I possessed as much as he does of the favor of the House, I would solicit the same privilege for this statement of mine, all drawn from the reports of the Secretary of the Treasury himself. But I shall not make that request. I shall merely publish it for the information of the people, and I commend it to the special attention of the members upon this floor, of what used to be called the good old thirteen States; above all, to the representatives of the six New England States, that they may see how naturally the money of this Union flows to the North or to the East. And, as some of them have been taught, by sundry learned statistics of the Globe, to think that the payment of the fourth instalment of the deposites ought to be repealed, because it would require a new tax upon the people, I respectfully ask them to perform the simple process of arithmetical subtraction of nine million three hundred and sixty-seven thousand two hundred and fourteen dollars and ninety-nine cents, the whole sum which should have been paid to the States on the 1st of October, from the sum of nine million eight hundred and one thousand nine hundred and twenty-one dollars and forty-nine cents, which on that very first of October was actually deposited in the favorite depository banks so cordially cherished and so often eulogized by the profound calculator of the Treasury Department. The money was all there. At least it had been all there; and if it had been, at the special recommendation of the Secretary of the Treasury, scattered abroad in discounts among the people, to purchase friends to the administration, he was at least responsible that the money should be forthcoming when it should be wanted for the payment of the fourth instalment. He had, I say, more than fifteen months' notice of that coming day—more than ten months' notice of it before the suspension of specie payments by any of the banks. The specie circular was issued within twenty days after the enactment of the deposite law. Nothing but the constitutional currency, gold and silver, was, with a trifling exception, to be received at all the land offices for the proceeds of sales of the public lands. Why is it that the Secretary had not, before the first of October, 1837, placed in deposite in the banks of each State in the Union a sum sufficient to pay the instalment due to that State on that day? Why is it that, after draining the Atlantic States of their gold and silver, to pay at Western land offices, and into Western banks, for all the wild speculations in Western lands, when the day of payment comes for the fourth instalment, the funds are found all or nearly all drawn off from all the deposite banks in the Atlantic States, and millions upon millions, not of constitutional currency, but of unavailable funds of rags and shin-plasters, are heaped up in those very Western and Southwestern States, where the land was sold, and where the specie circular was to prove a mine "outshining far the wealth of Ormus or of Ind?"

[Mr. A. referred to the following statement, which he held in his hand:]

Comparative statement of the sums which each State of the Union was, by the deposite act of 23d June, 1836, entitled to receive on the 1st of October, 1837; with the sums which were actually in deposite in the deposite banks of each State, in July and August, 1837, as appears in the report of the Secretary of the Treasury on the finances at the commencement of the session; and with the balances still due by the said banks, on the 4th of October, 1837, according to the Treasurer's weekly statement of that date, appended to the report of the Secretary of the Treasury to the House of Representatives, of 6th October, 1837: showing the sums drawn from the deposite banks between August and October.

TABLE.

| States. | No. of Electoral votes | Deposites due to the several States on the 1st of October, 1837. | No. of banks. | Actual deposites, July and August, 1837. | No. of banks. | Balances still due 4th October, 1837. |
|---|---|---|---|---|---|---|
| Maine | 10 | $318,612 | 5 | $117,042 | 3 | $11,708 |
| New Hampshire | 7 | 223,028 | 6 | 114,026 | 5 | 63,635 |
| Massachusetts | 14 | 446,057 | 4 | 81,278 | 4 | 42,891 |
| Rhode Island | 4 | 127,445 | 2 | 5,433 | 2 | 1,133 |
| Vermont | 7 | 223,028 | 2 | 589 | 2 | 466 |
| Connecticut | 8 | 254,890 | 2 | 31,629 | 3 | 7,409 |
| New York | 42 | 1,338,173 | 15 | 1,336,919 | 14 | 803,570 |
| New Jersey | 8 | 254,890 | 3 | 95,506 | 3 | 37,292 |
| Pennsylvania | 30 | 955,838 | 2 | 255,445 | 3 | 131,857 |
| Delaware | 3 | 95,583 | 1 | 2,906 | 1 | 2,906 |
| Maryland | 10 | 318,612 | 2 | 280,198 | 2 | 212,102 |
| Virginia | 23 | 732,809 | 4 | 403,136 | 3 | 739,302 |
| North Carolina | 15 | 477,919 | 1 | 146,030 | 1 | 64,638 |
| South Carolina | 11 | 350,474 | 4 | 111,590 | 2 | 125,433 |
| Georgia | 11 | 350,474 | 3 | 172,269 | 3 | 119,706 |
| Alabama | 7 | 223,028 | 1 | 1,020,856 | 1 | 906,379 |
| Mississippi | 4 | 127,445 | 2 | 1,744,373 | 2 | 1,656,367 |
| Louisiana | 5 | 159,306 | 2 | 1,450,023 | 2 | 918,749 |
| Missouri | 4 | 127,445 | 1 | 589,327 | 2 | 355,280 |
| Kentucky | 15 | 477,919 | 4 | 843,246 | 4 | 845,053 |
| Tennessee | 15 | 477,919 | 2 | 514,516 | 2 | 182,932 |
| Ohio | 21 | 669,086 | 8 | 1,127,979 | 8 | 960,061 |
| Indiana | 9 | 286,751 | 5 | 743,129 | 5 | 660,723 |
| Illinois | 5 | 159,306 | 1 | 39,795 | 1 | 39,393 |
| Arkansas | 3 | 95,583 | | | | |
| Michigan | 3 | 95,583 | 2 | 998,750 | 2 | 882,994 |
| | | $9,367,214 | | $12,275,302 | | $9,801,921 |

[In the above table Mr. A. was so particular as to calculate not only the cents but the fractions of cents, in the proportion of the surplus due to each State; but for the sake of compressing the table into convenient width, we have omitted both the cents and the fractions.]

Let us now compare the threee olumns of this comparative statement with each other, and see how the different States of the Union have been treated, first by the deposite law, the act of Congress, and secondly by the Secretary of the Treasury and the executive administration.

The first column shows the sum which each State of the Union was, by the deposite act of 23d June, 1836, entitled on the 1st of this present month of October to receive.

The second column shows the amount which the deposite banks in each State had received from the Secretary of the Treasury, and was due from them at the commencement of the present session of Congress.

The third column shows the amount of balances still due from the same deposite banks on the 4th day of the present month, that is, precisely at the time when the fourth instalment should have been paid.

Examine this statement, and you will find that on the first of this month the State of Maine was entitled to receive $318,612 75; that at the commencement of this session there were in the five deposite banks of that State only $117,042 95; and that on the 4th of October that sum had been reduced to $41,708 92. Maine, therefore, was entitled to receive largely more than $300,000. She had received in deposite in her banks on the first day of this session, $117,000; and this scanty sum had, on the 1st of October, been reduced to $41,708 92. Little short of two hundred and eighty thousand dollars has thus been filched from the people of the State of Maine, and given, for the present at least, to the States at the south and western extremities of the Union.

The State of New Hampshire was entitled to receive $223,028 92. She had in six deposite banks at the commencement of the session $114,026, 31; out of which were squeezed before the 4th of October so much as left only $63,635 98. Her contribution to the Southwestern banks was only about one hundred and sixty thousand dollars. The Secretary cannot be charged with partiality to his native State. How is it with mine? Massachusetts was entitled to receive $446,057 85. At the commencement of the session she had in four banks $81,278 40; which on the 4th of October was reduced to $42,891 30; but, in the last return of the Treasurer's accounts, several new columns are introduced, one of which is of over-drafts, and two of the Massachusetts banks are credited with these over-drafts to the amount of $13,000, which, if subtracted from the balance still charged against them, will leave it less than $30,000. It is indeed doubtful whether, at this day, there is a dollar due from the late deposite banks of Massachusetts to the Treasurer of the United States. Her present loss by the postponement of the fourth instalment is at least equal to the whole sum which she was entitled to receive, little short of $450,000.

Rhode Island, Vermont, Connecticut, may also well make up their accounts for a present total loss.

Rhode Island was entitled to receive $127,445 10. She had in two banks at the commencement of the session $5,433 06—reduced on the 4th of October to $1,133 41.

The portion of Vermont on the 1st of October was $223,028 92, the same as New Hampshire, and the same as Alabama. But the amount of balance due from the two deposite banks in Vermont was, at the commencement of the session, $588 64, and on the 4th of October $496 83; while the balance due from the single deposite bank of Alabama was, at the commencement of the session, one million and twenty thousand eight hundred and fifty-six dollars twenty-six cents, and on the 4th October nine hundred six thousand three hundred and seventy-nine dollars twenty-three cents, and this Bank of Alabama is the property of the State. I have seen lately some vain boastings in certain public journals, that the administration was going ahead, and growing popular in the State of Vermont. I should like to hear what the Green Mountain boys will say to this administration mode of settling parallel accounts. The State of Connecticut was, on the first of this month, entitled by the deposite act to the receipt of $254,890 20. The balance due from her two deposites banks at the commencement of the present session was $31,629 18; and from her three deposite banks on the 4th of October current was $7,409 02. How it happened that there was on the 4th of October one more discarded bank in the State of Connecticut than there had been at the commencement of the session, I do not know; but as the aggregate amount of the balance due from the three banks was so much decreased from that which had been due by the two, the addition of one to the defaulting depositories in the last account scarcely forms a sufficient cause for inquiry how it has happened. I heard a distinguished member from the State of Connecticut on this floor deliver an able and very earnest speech in favor of the postponing bill, as it came from the Senate, because he considered it, as it was, a repeal, a total and final repeal of the fourth instalment, which would have replenished the Treasury of his own State with a sum of about two hundred and fifty-five thousand dollars; he dreaded the idea that it would be necessary to raise this sum if the instalments should be paid, by taxation. Now I put it to the consideration of that gentleman and of his constituents, that there can be no possible need of taxation to raise this sum at all. It exists as it existed when the Secretary of the Treasury announced the depositable surplus in the Treasury on the first of January last. It is all as it was then in balances due from the Southwestern and Western banks: those very balances, the prompt payment of which the bill now before you is about to relinquish. Sir, I have pointed out the comparison between the sums which each of the New England States separately was entitled to receive on the first of this month in deposite, and the sums which their banks then actually had in deposite, first, at the commencement of the present session; and, secondly, one month later, that is, on the 4th of October. Let us now make the same comparison in the aggregate.

The sum which the six New England States were entitled to receive on the first of this month by the deposite act was one million five hundred and ninety-three thousand and sixty-three dollars and seventy-seven cents.

The whole amount of the balances due from all their repudiated deposite banks at the commencement of the present session was three hundred and forty-nine thousand nine hundred and ninety-eight dollars and fifty-four cents, nearly one hundred thousand dollars less than the State of Massachusetts alone was entitled to receive.

And the whole amount of the balances due from the same banks one month later, on the 4th of October, three days after the fourth instalment should have been paid, was one hundred and fifty-seven thousand two hundred and forty-five dollars and forty-six cents, nearly one hundred thousand dollars less than the State of Connecticut alone was entitled to receive for her portion of the fourth instalment.

Now for the other side of the account.

On the first of this month, the State of Mississippi was, by the deposite act of 23d June, 1836, entitled to receive the sum of one hundred and twenty-seven thousand four hundred and forty-five dollars and ten cents, precisely the same portion as that of Rhode Island.

The balances due from the late deposite banks in the State of Mississippi, at the commencement of the present session, were one million seven hundred and forty-four

thousand three hundred and seventy-three dollars and seventy-one cents.

The balances due from the same banks on the 4th of October, three days after the fourth instalment should have been paid, were one million six hundred and sixty-six thousand three hundred and sixty-seven dollars and thirty-three cents.

If you deduct from the whole amount payable to the six New England States for the fourth instalment the whole amount of the balances due from all their deposite banks, there will remain due one million four hundred and thirty thousand eight hundred and eighteen dollars and thirty-one cents payable to them.

If you deduct the whole sum payable for the fourth instalment to the State of Mississippi from the whole amount of the balances due on the 4th of October by her late deposite banks, there will remain due from them the sum of one million five hundred and twenty-eight thousand nine hundred and twenty-two dollars and twenty-three cents.

The balances due, therefore, from the deposite banks, in the single State of Mississippi, a State with four electoral votes, are nearly one hundred thousand dollars more than adequate to pay the whole fourth instalment receivable by herself, and by the six New England State.

Suppose we state the two cases in the form of accounts current.

*Dr. United States of America, in account with the six New England States.* *Cr.*

| | | | |
|---|---|---|---|
| 1837. 1st Oct. | To fourth instalment - - | 1,593,063 77 | |
| By balances in all their deposite banks | | | 157,245 46 |
| Due to the six States - - | | | 1,435,818 31 |
| | | | $1,593,063 77 |

*Dr. United States of America, in account with the State of Mississippi.* *Cr.*

| | | | |
|---|---|---|---|
| 1837. 1st Oct. | To fourth instalment - - | 127,445 10 | |
| To balances due by her | | 1,528,922 23 | |
| | | 1,656,367 33 | |
| By balances in her deposite banks | | | $1,656,367 33 |

Sir, I hope we shall hear no more of the necessity of raising, by taxation upon the people, the sums necessary for the payment of the fourth instalment.

I will not pursue this comparative review of the sums due to each State for the fourth instalment, and of the sums due from the deposite banks in each State through the whole twenty-five, (for it seems there was no deposite bank in Arkansas;) but if any indifferent person or philosophical observer will compare the relative amount of the three several columns against the name of each State, in this table, and then mark the names in the lists of yeas and nays upon your journal, first on the passage of the act to postpone the fourth deposite instalment, and then on the passage of this act, I do assure him that he will discover secrets worth knowing. He will find in these elements a key to the system of measures prepared by the present Executive for the action of Congress, in this emergency, for relief to the distress of the country. He will see how these measures were adapted in advance to each other—how the excessive balances due from one set of States were to be made easy, by withholding from another set of States the fourth instalment to which they were entitled. He may chance to discover some insight into the art magic of application to motives. He may trace the cause of that uneasy solicitude manifested by more than one member from the debtor States, when the postponement bill was on its passage, to set it aside and take up this bill, before they should be compelled to vote ay or no upon that.

This bill, as it came from the Senate, was not sufficiently indulgent to their delinquent banks. Instead of four, six, and nine months of delay before they should be called to disgorge their millions upon millions of the public spoils, nine, fifteen, twenty-one months of time were to be granted them, without even the payment of interest to the plundered sister States. And here, on this floor, we beheld a pledge demanded of the chairman of the committee, and given by him, in the face of the House, that when that bill should have passed, and this one should be taken up, a liberal indulgence of time should be allowed to the overburdened and discarded depository banks. That bargain was not only concluded in the presence of the House, but was signally and indignantly rebuked at the time by two members of the House, one from Georgia [Mr. Dawson] and one from Ohio, [Mr. Samson Mason;] yet we are now witnessing its consummation. This bill is the equivalent for the votes indispensable to carry that—this amendment is the *premium pudicitiæ* for the wear and tear of chastity in the accomplishment of that.

Sir, when that bill came from the Senate, and through that body from the Treasury, it came with fraud upon its face.

Mr. Cambreleng called the gentleman from Massachusetts to order; observing that that was not the first time that gentleman had thus transgressed the rules of order.

The Chair [Mr. Howard, of Md.,] could not see the relevancy of Mr. A.'s remarks to the subject before the committee.

Mr. Adams. Am I not permitted to refer to a bill; and to the manner in which that bill passed the House, without which, as I contend, this bill now before the committee would not be here at all? [Cries from all sides of the House, "Go on! go on!"]

Mr. A. resumed the thread of his remarks. Yes, sir, it came with fraud upon its face. It professed to be a bill to postpone the fourth instalment; it was, in fact, a bill to repeal it. It was, in fact, a bill to raise revenue, and as such, not having originated in this House, ought never to have been entertained by it. A member from South Carolina [Mr. Pickens] proposed an amendment, which made it what it professed to be, a bill to postpone the fourth instalment to a day fixed—the 1st of January, 1839, to which I proposed an additional amendment, appropriating these balances due from the delinquent banks, and a supplementary fund, if it should be necessary, for punctual payment at the day fixed by the amendment of the gentleman from South Carolina. With those amendments I pledged myself to vote for the bill.

I was fully aware of the sacrifice of the just rights and interests of my own constituents to which I must assent by voting for the bill in that form; and I knew that I hazarded incurring the displeasure of some of them by yielding so much. But I knew they were a generous people. I came here knowing that the Executive administration was reduced to great straits for the means to perform the pecuniary engagements of the nation. In their distress, however brought upon themselves, I saw only the distress of the country, and trusted that my constituents would sustain me, in giving up a portion of their just claims for the general benefit of all. These were the sentiments with which I came to Washington, and, as a pledge of their sincerity, I offered, with the amendments, to vote for that bill; and how was this disposition received and returned? The chairman of the Committee of Ways and Means, substantially the representative of the Executive in this House, would neither accept my amendment nor that of the gentleman from South Carolina. He forced the bill, with all its imperfections on its head, as it came from the Senate, to a third reading; and he carried it in the fullest vote ever taken in this House by yeas and nays, 119 to 117; and of the 119, one was the gentleman from South Carolina, who

so voted, as he declared at the time, for the express purpose of moving a reconsideration of the vote, which he immediately did. The real vote, therefore, was a tie, 118 to 118; and if the bill was to be carried at all, it could only be by the casting vote of the Speaker. The chairman of the Committee of Ways and Means did not venture upon that experiment. He voted against the reconsideration himself, but he suffered it to be carried by his friends. My amendment, which was nothing more than a pledge that the bill, as amended by the gentleman from South Carolina, should be executed in good faith, he still refused to accept. Ninety-four members of the House voted for my amendment. I cannot vouch that every one of them would have voted for the bill if the amendment had been adopted, but I would have voted for it myself. I have reason to believe that a majority, if not all, of my colleagues would have voted for it, and I have no doubt that sixy or more affirmative votes would have been for the passage of the bill, beyond the meager majority of twelve, which was secured only by accepting, as a forlorn hope, the previously rejected amendment of the gentleman from South Carolina.

Mr. Chairman, I impeach the sincerity of no man upon this floor. But when I saw the chairman of the Committee of Ways and Means cling so tenaciously to that bill as it came from the Senate; when I saw him, at the last gasp, permit the amendment of the gentleman from South Carolina to be carried against his own vote, to save the life of the bill; and when I saw him still inflexibly excluding my amendment, and spurn a majority of four-fifths of the House on the passage of a bill so immensely important to the administration as that was, it was impossible for me to divert my own mind from the inquiry why it was that so feeble a majority, purchased by so humiliating a concession as had been extorted by the gentleman from South Carolina, should have been preferred to an almost unanimous vote, obtained by the mere mite of additional concession, yielded by a pledge of faith that the promise of that amendment should be performed; and I could account for this preference no otherwise than by the belief that it is still not intended that the fourth instalment shall ever be paid; that the promise to pay it on the 1st of January, 1839, is a deception, and that the amendment of the gentleman from South Carolina will fare no better than the 13th and 14th sections of the deposite law of June 23, 1836.

How far this apprehension is prophetic, we shall see in the course of the ensuing year; and I now predict that the present postponement will be succeeded by another. That, as the 1st of January, 1839, shall approach, new discoveries will be made of the ragged nakedness of the Treasury; and then the argument, now merely fictitious, may be urged in sad reality, that the instalment cannot be paid without a new tax upon the people. If the money now in the defaulting deposite banks should be collected by the Government, and applied to other purposes; to be sure, in that case, the fourth instalment cannot be paid without taxing anew the people to raise the money; and that is precisely the reason why I anxiously wished to appropriate the money while it was there. Was it the reason why the appropriation was so stubbornly refused by the chairman of the Committee of Ways and Means? Sir, we have been told, over and over, that the late deposite banks in Louisiana, in Alabama, in Mississippi, in Ohio, in Kentucky, in Indiana, are all sound, all solvent, all able and willing to pay every dollar of their debt, give them but reasonable time. Then the money is there. The balances in those States due from those banks is amply sufficient, and more than sufficient, to pay the fourth instalment due to themselves, and that due to all the other States.

Let us now resume the comparison in this tabular statement between the amount which by law, that is, by the act of 23d June, 1836, should have been deposited in each of the several States, and the amount which was actually deposited in the same States at the commencement of the present session of Congress and on the 4th of October, one month later. We have gone through the New England States, and have there found the deposites *de jure* more than a million and a half of dollars; the deposites *de facto* less than a tenth of that sum—less than one hundred and fifty thousand dollars. We next come to New York—the Empire State; her proportion of the fourth instalment would have been one million three hundred and thirty-eight thousand one hundred and seventy-three dollars fifty-seven cents. The sum which her banks actually had in deposite at the commencement of the session was one million three hundred and eighty-six thousand nine hundred and nineteen dollars and eighty-two cents. There, sir, was something like a set-off; no injustice was done to the great State of New York. The deposite of fact was about fifty thousand dollars more than the deposite of the law. But the Secretary of the Treasury has been most industriously occupied during the whole month of September, in drawing off from the New York deposite banks the balances due by them. By the last returns of the Treasurer's accounts, it appears that on the fourth of October there remained of balances due from all the deposite banks of the State of New York only eight hundred and three thousand five hundred and seventy dollars and seventy cents: nearly six hundred thousand dollars has been drawn from them in the month of September. And, further, I have seen a series of resolutions very recently adopted by a highly respectable and numerous assembly of citizens of that city, in one of which it is asserted that the banks of that State have paid off almost the whole of the balances due by them. Sir, our compassion has been appealed to in behalf of these Southwestern banks. We have been told it would be cruel to exact payment from those banks; that it would be an *ex post facto* law to charge them with interest for the public moneys which they have received in deposite, and refuse to pay at the requisition of the Treasury Department; that they cannot themselves pay without exacting payment from their debtors; and that indulgence must be granted to them, that they may be enabled to grant indulgence to the people. Sir, how stands this argument, in its application to the banks and people of the North? They, too, were and are indebted to their banks. Were they not in need of indulgence as much as the people of Louisiana, of Mississippi, of Alabama, of Kentucky, Ohio, Indiana, Missouri, and Michigan? But what has the Secretary of the Treasury been doing with them? Has he not been draining them almost to their last dollar, as long as he could claim a dollar of balance from them? And have they not been obliged to put the screws upon their debtors, that they might be enabled to pay the balances due by them, at the requisition of the Secretary of the Treasury? Sir, the people of the North have endured, they are now enduring, that very cruelty and oppression which you are told the people of the Southwest and the West cannot bear. You are straining from them their last cent to pay their balances, while at the same time you have wrested from them their fourth instalment, which your Secretary of the Treasury has transferred to the State banks of the Southwest and the West, there to be locked up for nine, fifteen, and twenty-one months, without payment of interest, because it would be a cruel *ex post facto* law to call upon them for any consideration for the use of the money.

Let us pass over the State of New Jersey—no longer a doubtful State—and come to the Keystone State of Pennsylvania. The portion of the instalment which she ought on the first of this month to have received was nine hundred and fifty-five thousand eight hundred and thirty-eight dollars and twenty-six cents. The sum actually deposited in all her deposite banks, at the commencement of the session, was $255,445 92; and, on the 4th of this month, it had been reduced to $131,857 17. Eight hundred and

twenty-five thousand dollars is the tribute of Pennsylvania to the State banks of Alabama, Louisiana, and Mississippi, to promote the multiplication of the blessings of slavery and the cultivation of sugar and cotton. Great and glorious as have been the exertions and sacrifices of the State of Pennsylvania in the cause of internal improvement, and in that career she has not been surpassed by any State in the Union, not even by the Empire State, yet, if I understand the character of her hardy yeomanry aright, not even their partiality to the democracy of numbers will reconcile them to the application of her property to the multiplication of slaves and slavery, for the cultivation of sugar and cotton, by abstracting it from the appropriations of her own Legislature to internal improvements within her own domain, rather more congenial to the principles of her heraldic motto—Virtue, Liberty, and Independence.

Maryland! Your own State, Mr. Chairman. The sum which on the first of this month she was entitled to receive was $318,619 75. The sum which her deposite banks held in deposite at the commencement of the session was $280,198 25; which, on the 4th of this month, was reduced to $212,102 58. Your State, Mr. Chairman, has been marvellously well treated, for one of the old thirteen. Her contribution to the Southwestern State banks is not much more than 106,000 dollars.

But ah! Virginia! Old Virginia! The Ancient Dominion! Beware, Mr. Financier of the Treasury, how you tread upon her toes! She has no fancy for a divorce of bank and State. Her State banks are bone of her bone, and flesh of her flesh; and when she releases them from the payment of their debts, she only releases herself from the performance of her own engagements. Deal tenderly with her, Mr. Secretary, or, like Hannibal, she will carry the war into Africa. Sir, on the 1st of this month, the State of Virginia was, by the deposite act of 23d June, 1836, entitled to receive seven hundred and thirty-two thousand eight hundred and nine dollars and thirty-three cents. At the commencement of the present session, the whole amount of balances due from her deposite banks to the Treasury of the United States was 403,136 dollars and 97 cents. This was not enough, sir; and, accordingly, on the 4th of this month, the balance due from her deposite banks was 739,302 dollars and 19 cents, not quite seven thousand dollars more than she was entitled to receive for the fourth instalment. She loses nothing by the postponement, and this bill gives her the use of the money for a term at least equivalent to the loss by the delay of the postponement to the 1st of January, 1839. Virginia, therefore, is propitiated to secure the suffrage of her members in Congress for the passage of both the bills—the postponement bill and this bill; and you find most of them voting accordingly. By what art magic it has happened that, while the balances of all the other old thirteen but one were, between the commencement of the session and the 4th of October, so severely reduced, hers were so largely increased as to be nearly doubled, I know not, and am only left to conjecture. My table is taken from the returns of the Treasurer's accounts, communicated to this House by the Secretary of the Treasury himself. I merely state the facts as I find them.

But North Carolina has not been so favored. Her portion of the fourth instalment, payable on the 1st of this month, was 477,919 dollars and 13 cents. The balance due from her one solitary deposite bank at the commencement of the session, was 146,030 dollars and 12 cents, which, on the 4th of this month, was reduced to 64,638 dollars and 61 cents. The loss of Virginia, by these two bills—these Siamese twins—is nothing. The loss of North Carolina, like that of the six New England States, is almost total.

South Carolina and Georgia are not much better treated, though with this difference: the sum that each of them was entitled to receive was the same, three hundred and fifty thousand four hundred and seventy-four dollars and three cents. The balances due from the South Carolina ex-deposite banks, at the commencement of the session, were one hundred and eleven thousand five hundred and ninety dollars and one cent; those from the banks of Georgia were one hundred and seventy-two thousand two hundred and sixty-nine dollars and sixty-nine cents. On the 4th of this month the balances of South Carolina had increased to one hundred and twenty-five thousand four hundred and thirty-three dollars and eighty nine cents, while those of Georgia had diminished to one hundred and nineteen thousand seven hundred and six dollars and forty-one cents. The banks of South Carolina, like those of Virginia, have enjoyed the special privilege of increasing their balances of debt, while all the rest of the old thirteen have been inexorably held to contract theirs. The increase of the South Carolina balances is not large. It discloses only a relaxation of the rigor of exactions, and was, happily, simultaneous with a conciliatory settlement of old political balances here at the seat of Government, which, to those who look a good deal ahead, has furnished the materials for much speculative animadversion.

And now, sir, that we have seen how, by the postponement, which was intended to have been, and still threatens to be, the repeal of the fourth instalment, the old thirteen States have been, with the single exception of Virginia, stripped of the spoils of the public Treasury which had been allotted to them—now that we have seen how, with the same exception of Virginia, they have been, during the month of September, fleeced by Treasury drafts, like sheep in the hands of the shearer, of their remaining balances, let us look beyond the borders of the old thirteen, to that teeming mother of nations, the valley of the Mississippi, and that storehouse of embyro republics bordering on our Mediterranean seas—the Northern lakes. We begin with the State of Alabama, geographically the first, and entitled, further, to the distinction, inasmuch as her deposite bank is wholly the property of the State, and the debts of the bank are the debts of the State. The portion of the fourth instalment payable on the first of this month to her was, as I have already stated, two hundred and twenty-three thousand twenty-eight dollars and ninety-two cents, the same with that of the States of New Hampshire and of Vermont. But the sum which her bank at Mobile had in actual deposite, at the commencement of the present session, was one million and twenty thousand eight hundred and fifty-six dollars and twenty-six cents; and, on the 4th of this month, it was still nine hundred and six thousand three hundred and seventy-nine dollars and twenty-three cents.

The portion of the State of Mississippi of the fourth instalment was one hundred and twenty-seven thousand four hundred and forty-five dollars and ten cents, the same as that of Rhode Island. The balances due from her banks, at the opening of the session, were one million seven hundred and forty-four thousand three hundred and seventy-three dollars and seventy-one cents; and, on the 4th of this month, they were still one million six hundred and fifty-six thousand three hundred and sixty-seven dollars and thirty-three cents.

The sum to which the State of Louisiana was entitled for the fourth instalment was one hundred and fifty-nine thousand three hundred and six dollars and thirty-seven cents. The debt of her banks, at the commencement of the session, was one million four hundred and fifty thousand and twenty-three dollars and three cents, and, on the 4th of October, nine hundred and eighteen thousand seven hundred and forty-nine dollars and three cents.

And so it was with all the Southwestern and Western States, excepting Arkansas, which, having no deposite banks, could have no debt; and excepting Illinois, for

what reason I know not, unless it was to secure the fidelity of Missouri at her expense. The share of Missouri of the fourth instalment would have been one hundred and twenty-seven thousand four hundred and forty-five dollars and ten cents. The debt of the agency of the Commercial Bank of Cincinnati, at St. Louis, Missouri, at the commencement of the session, was five hundred and eighty-nine thousand three hundred and twenty-seven dollars and forty-three cents. On the 4th of October it was reduced to two hundred and thirty-nine thousand four hundred and twenty-two dollars and sixty-five cents; but there was an additional deposite in the Bank of the State of Missouri, a specie-paying bank, of one hundred and fifteen thousand eight hundred and fifty-eight dollars and four cents, making the whole sum in deposite there three hundred and fifty-five thousand two hundred and eighty dollars and sixty-nine cents. The actual deposite in that State is yet nearly three times the amount of the rightful deposite in her banks by the deposite law; but as the Bank of the State of Missouri is not one of the late deposite banks, but is one of those which has met and will meet all the requisitions of the Department, it is presumed that no further interest will be required of it than that provided by the deposite law, and that it will be able to pay its balances due to the Treasury without needing a delay of nine, fifteen, and twenty-one months to collect them.

Kentucky and Tennessee were entitled to the same sum for the fourth instalment, $477,919 13. Neither of them loses any thing by the postponement; but their profits by the withholding of the instalment from the Northern and Eastern States are not exactly the same. Tennessee is, indeed, something of a loser by the alacrity with which the Secretary of the Treasury has withdrawn from her banks the balances due by them at the commencement of the present session. They were then $514,516 48. On the 4th of October they were reduced to $182,932 18; while those of the banks of Kentucky, which, at the commencement of the session, were $843,246 78, on the 4th October had increased to $845,053 31. What is it that has procured this remarkable good fortune? Is it that she is a daughter of the Old Dominion? Or that she has a representative supernumerary in another part of this Capitol?

Ohio, too, has shared largely in this bounty of the Secretary of the Treasury, to one section of the Union at the expense of the other. Her portion of the fourth instalment, rightfully paid on the first of this month, would have been $669,086 78. At the commencement of the present session, her banks held in deposite, without charging to them the balance of the agency at St. Louis, (Missouri,) one million one hundred and twenty-seven thousand nine hundred and seventy-nine dollars and fifty cents, and on the 4th of October they still held $960,061 98—still three hundred thousand dollars beyond her rightful instalment. Can we wonder that most of her representatives have been willing to postpone it? There is, however, one consolation, which is, that we have the warrant of the members from that State that all their banks are safe, sound, solvent, and able to pay all their balances in reasonable time, though it is admitted that their bills are at a discount of from ten to fourteen per cent.

Then, again, Indiana was entitled to receive for her fourth instalment $286,751 48. At the commencement of the session her banks had in deposite seven hundred and forty-three thousand one hundred and twenty-nine dollars and sixty-three cents; and on the 4th of October they were $660,723 57.

As to Illinois, I think the Secretary must have mistaken her for a New England State. She has at least the same step-mother's fare. She was entitled to receive for her portion of the fourth instalment $159,306 37. The balance due from her single deposite bank was, at the commencement of the session, $39,795 90; and on the 4th of this month it was within a few hundreds of the same, that is, $39,323 54.

But, lastly, Michigan is a prodigious favorite. Her portion of the fourth instalment was $95,583 82, the same as that of Delaware. But the balances due from her banks, at the commencement of the session, were $998,050 84; on the 4th of October they were still $882,994 45.

When the Secretary of the Treasury, in his report to Congress, of the 3d of January last, announced the amount of the surplus in the Treasury two days before, and the proportional sums in which it was to be deposited among the several States, he intimated no inconsiderable doubt whether Michigan was entitled to any proportion of the deposite at all, and he declared that he had postponed the payment of the first instalment of her portion for the final decision of Congress upon her right. Harshly, indeed, had Michigan been treated in the terms prescribed for her admission into the Union. I had fought her battles, and maintained her rights upon this floor, till she deserted her own banners. I had raised my voice to claim justice in her behalf till she accepted, however reluctantly, an equivalent. While her fate was pending, this rod was held over her head by the Secretary of the Treasury, as if her right to the deposite of her portion, among her sisters, of the public treasure, was to be purchased by her unconditional submission to the most humiliating terms prescribed by power, forgetful of right. Sir, she did submit, and accepted the proffered equivalent; that was her concern, not mine. But did that equivalent still not heal the wound that had been inflicted upon her; and is this gushing torrent of the public moneys poured out at her feet, as the gorgeous East showers upon her kings barbaric pearls and gold; was this profusion of the public funds substituted for the stingy doubt whether she was entitled to receive of the public deposites any portion whatever; was it to appease her anger, to soothe her resentments, to implore her forgiveness, to court her favor? If so, there may be some excuse for the partiality; a tarnished atonement for a purer tribute that was due.

Sir, we have gone through, with a few exceptions, the detail of this comparative statement between the amount of deposites which the law had prescribed should be committed to each of the States of the Union, and the amount of deposites which the Secretary of the Treasury had actually made among the same States when the fourth instalment should have been paid. Such is the detail; and was ever such a monstrous scene of partiality and inequality beheld among men? The late President of the United States had made it a charge against the deposite law of the 23d of June, 1836, which he himself had signed, that the principle of its apportionment was not perfectly equal. I admit that it was not so: an apportionment according to the representation of the people in this House would have been more equal as well as more favorable to the Commonwealth, a part of whose people I have the honor to represent. But the apportionment according to the number of electoral votes was more favorable to the small and to the new States, and I thought there were considerations of equity, and even of justice, to sanction this, which I trusted my constituents would approve, although it might diminish to some extent their own portion. I said so at the time on this floor, and accordingly voted for the bill. But if there was inequality in that apportionment, in the name of the Heavenly Balance, what is there in this? Look at this tabular statement; take the fifteen Northern States—that is, the old thirteen, with the addition of Maine and Vermont, which in the revolutionary times composed a part of them; take them on one side, and the ten new Southern and Western States on the other, and what a comparison have we!

By the deposite act of 26th June, 1836, the fifteen Northern, being the thirteen original, States were, on the first day

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| of this month, entitled to receive on deposite, | $6,467,838 29 |
| The ten new Southern and Western States were by the same act entitled to receive - - - - | 2,899,376 07 |
| Making in the whole - - | $9,367,214 99 |
| On the 4th day of September, 1837, the balances of what the Secretary of the Treasury had actually deposited in the fifteen Northern States was - - | 3,201,002 91 |
| He at the same time had deposited in the ten Southmost and Western States - | 9,071,299 76 |
| Making in the whole - - | $12,275,302 67 |

And on the first of October, the day when the fourth instalment was by the law required to be paid to all, how stood the account?

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|---|---|
| In the fifteen Northern States, which by the law should have received six million three hundred and sixty-seven thousand two hundred and fourteen dollars. ninety-nine cents, there were towards paying it, and no more - | $2,394,056 18 |
| While in the ten Southmost and Western States entitled by the law to receive only two million eight hundred and ninety-nine thousand three hundred and seventy-six dollars and seven cents, there were actually deposited balances | 7,407,865 31 |
| Making in the whole - - | $9,801,921 49 |

So you see, Mr. Chairman, there were, on the 1st of October, in actual deposite with the States, upwards of four hundred and thirty thousand dollars more than enough to have paid the fourth instalment to them all—every dollar—every cent.

But observe that, through the whole month of September, although the deposite act of 23d June, 1836, was in full force, the Secretary of the Treasury continued to draw from the banks of the North to the amount of more than eight hundred thousand dollars of those balances which ought to have been applied towards the payment of the fourth instalment to the States of the North; while, at the same time, he left in the hands of the Southmost and Western States nearly seven millions and a half, nearly five millions more than the fourth instalment which they were entitled to receive.

And, throughout all these transactions, is it not worthy of the highest admiration to remark with what address the single State of Virginia, of the old thirteen, is the only one shielded from all inconvenience by the postponement of the instalment. The payment of the fourth instalment is not postponed for her. She has it already, and seven thousand dollars more, in her banks; and while the postponement act now puts her off, as it does her Northern sisters, till the 1st of January, 1839, to receive the instalment, this act gives her an average of precisely the same time to pay the balances already in her banks—and without interest, if the amendment of the gentlemen from Louisiana, [Mr. Johnson,] to the exclusion of that of the gentleman from New York, [Mr. Loomis,] should prevail.

And is it expected, Mr. Chairman, that the people of the fourteen Northern States (the voice of Virginia being hushed with a sugar plum) will put up with this prodigy of fiscal invention! Is it expected that they will hail with shouts of hosanna this expunging of their fourth instalment, this evanescence of their funds from their treasuries; that they are to be humbugged out of their vested rights by a howl of phrensy against Nicholas Biddle and the Pennsylvania Bank of the United States? That they are to be mystified out of their moneys and out of their senses, by a hark follow! against all banks, or a summons to Doctors' Commons for a divorce of bank and State? It may be so; but it shall not be with my consent. Here are fifteen, or rather fourteen, creditor States and ten debtor States, as my friend and colleague [Mr. Lincoln] has justly denominated them—made so by the Secretary of the Treasury—made so by an unwarrantable transfer of the funds devoted to the payment of the fourth instalment. The ten debtor States have received not only their own portion of the fourth instalment, but the whole portion of the fourteen creditor States. And you are now passing two laws—one to withhold from the fourteen creditor States the moneys which you had solemnly promised to deposite with them; and the other to authorize the debtor States, not only to retain the fourth instalment promised them, and which they have received, but to keep for nine, fifteen, and twenty-one months, the fourth instalment due to their creditor sister States. Such is unquestionably, such will be under these two acts, their relative condition towards each other. By the fiscal incantations of the Secretary of the Treasury, consummated by these two bills, reeking from his Department, the State of Mississippi is indebted to the six New England States in the sum of nearly one million and a half of dollars; the State of Louisiana is indebted to the State of Pennsylvania nearly eight hundred thousand dollars; the State of Alabama owes to the State of New York from six to seven hundred thousand dollars; the State of Ohio owes to the State of North Carolina three hundred thousand dollars; and the whole ten Southmost and Western States are indebted to the fourteen Northern and Atlantic States the whole of the fourth instalment, which they were by law entitled to receive. The postponement law has no operation in the ten debtor States; they have received in advance, not only their own fourth instalment, but that of all the others; and so unequivocally are the ten States indebted to the fourteen, that, if the same transactions had happened between individuals, there is no question that the fourteen could recover, by process of law, their fourth instalment, by the common action for moneys had and received to their use.

And let me now inquire why the Secretary of the Treasury has not seen fit to account for this most extraordinary state of things in his annual, or in any other report to this House. I have asked, why, armed as he was with the specie circular of 11th July, 1836, from the very passage of the deposite act—why, notified as he was from that time that he would be required to have in the fifteen original States, in deposite on the 1st of October, 1837, a sum of six millions and a half of dollars, in readiness to pay the fourth instalment to those States, he had, in fact, on that day, within those States, less than two millions and a half of dollars—four millions less than was required for the fulfilment of the promise and the redemption of the pledge of the public faith to those States by the deposite act. I have inquired why, on that same 1st of October, he had hoarded up in the ten Southernmost and Western States, armed as he had been with the specie circular, seven millions and a half of dollars, when those ten States were entitled to receive, for the fourth instalment, less than three millions of dollars? The excess hoarded up in the ten favored States was four millions and a half. The deficit in the fourteen despoiled States was four millions. Had the whole sum rquired for the payment of the fourth instalment been deposited in the banks, where it ought to have been, the instalment would have been paid to the last dollar, and half a million of surplus would still have remained in deposite to the credit of the Treasurer of the United States in the extreme South and the West.

Mr. Chairman, if there be any duty more sacredly incumbent upon the Executive Government of the United States than all the rest, it is, in the execution of the laws, to render equal and impartial justice to the people of all the States. The vitals of the Union are there: legislative

partialities in favor of one portion of the Union at the expense of another, if any such should creep in, will never be of long duration. The established equality of representation of the people in this House, and of the States in the other, will soon correct any deviation from the golden rule of right, upon which the obstinacy of party spirit, or the undue influence of individual talent or popularity, may occasionally infringe. The pendulum will range alternately to the right hand and to the left, but will return from short and equal distances to the centre. But if a President of the United States, in the administration of his official trust, divides the people under his care into a best and worst part of the population—if the father of the land has in the common family one set of children favorites, and another set of children castaways—if an avowed principle of ruling by and for the democracy of numbers, a part for the whole—if a jesuitical and sophistical axiom that the end of good government is the greatest good of the greatest number, without regard to the equal rights of the smallest number; I say if these transatlantic, spurious, and heretical creeds of late years are to be substituted for the primitive faith and inalienable rights of the Declaration of Independence, the days of our Union itself are numbered. The people of no one part of this nation will submit, for any length of time, to be the thralls or the dupes of another portion.

What could have been the motive for this array of the three geographical divisions of the Union against each other as debtor and creditor States, with that more extraordinary exception of the State of Virginia, is yet to be, and I hope at the next session of Congress will be explained. If the demon of disunion himself had invented and inspired it as an experiment, to excite heart-burnings, ill-will, and hatred between the members of the family, he could not have contrived a device of more odious ingenuity. I had supposed that this enormous accumulation of funds in the extreme South and West had been one of the fruits of the specie circular. But then where was the specie? It was to be supposed that the circular had at least produced that; and what has become of it? It has all vanished; or what is left of it is detained in the vaults of the same deposite banks, which yet refuse to pay in specie the drafts of the Treasury Department upon them.

These accumulations in the banks of the South and the West are the more unaccountable, inasmuch as on the 4th of July, 1836, an act of Congress supplementary to the deposite act was passed, expressly authorizing the Secretary of the Treasury to make transfers from the banks in one State to the banks in another, whenever such transfers might be required in order to prevent large and inconvenient accumulations in particular places, or in order to produce a due equality and just proportion, according to the provisions of the said act. Here was a law expressly made to prevent accumulations, to restore proportions; and no small part of the Secretary's annual report in December, 1836, consists in detailing the laborious fidelity with which he had carried that supplementary act into execution. What a commentary upon that law and its execution is my tabular statement, the act for postponing the fourth instalment, and this bill now before the committee.

That the transfers might have been made with perfect ease, and the balances in the Southern and Western banks reduced, even after the suspension of specie payments, I will now undertake to prove.

It will be recollected that the deposites of the public moneys were removed from the Bank of the United States towards the close of the year 1833. It will also be remembered that this was precisely the time of the extinction of the national debt. Until that time there could be no considerable accumulation of public moneys in deposite, because, whenever any surplus occurred, it was immediately applied by the commissioners of the sinking fund to the purchase of the public debt. The irresponsible agents behind the scenes, who instigated the removal of the deposites, selected with instinctive sagacity their time. They had other passions to gratify besides their vindictive malignity. They saw the uses to be made of large and long-continued surpluses, and that the moneys of the nation might be lavished for the conjoint and united profligacy of political plunder and private speculation. That they might not want the countenance of the administration in this laudable pursuit, the Secretary of the Treasury spurred them to it with the eagerness of a huntsman panting for his prey.

"The deposites of the public money," said the Secretary of the Treasury to the president of the branch of the Bank of the State of Alabama, at Mobile, in his letter selecting that bank as one of the new depositories, "will enable you to afford increased facilities to the commercial and other classes of the community, and the Department anticipates from you the adoption of such a course respecting your accommodations, as will prove acceptable to the people and safe to the Government."

The branch of the Bank of the State of Alabama, at Mobile, had been chartered in December, 1832. Its capital of two millions of dollars consists of the proceeds of sales of the bonds of the State, irredeemable for thirty years. Its fourteen directors are all annualy chosen by the Legislature. There is no penalty prescribed for their suspension of specie payments, but the faith of the State is pledged for the final payment of their liabilities. This bank, in October, 1833, was selected as one of the depositories of the public funds, instead of the branch of the United States Bank at Mobile.

On the 1st day of October, 1833, there were deposited in the Bank of the United States $6,475,495 82, which had been accumulating from the first quarter of the year, some small fragments of public debt still remaining to be paid, but not enough to arrest the tide of the public revenue flowing into the Treasury.

On the 1st of January, 1834, this sum had been reduced to less than one million of dollars, and in the mean time the branch of the State Bank of Alabama had become a depository for $231,613 35; which sum continued increasing from quarter to quarter, with one exception, till April, 1835, when the deposite in the State Branch Bank of Alabama, at Mobile, was $[illegible],309,738 65.

Since which time, that is, for more than two years before the suspension of specie payments, there has been in that bank a permanent average deposite of twelve hundred thousand dollars—never reduced so low as $900,000, and once swelling to upwards of sixteen hundred thousand dollars—little short of the whole capital of the bank.

I have been desirous of ascertaining, and shall be obliged to any of the members, especially from the States of Alabama, Louisiana, or Mississippi, if they can inform me what were the semi-annual dividends of the deposite banks in those States, from the time when they became depositories of the public moneys until their suspension of specie payments; but this is a secret. On the 3d of January last, a resolution of this House called on the Secretary of the Treasury for this as well as other information, if within his power; but, on the 12th of that month, he reported that it was not within his power. It seems that the amount of dividends declared, of surpluses retained, and of contingent funds reserved, is not understood to be a part of their condition, of which they are required to give account, from time to time, to the Secretary of the Treasury. He says that, by none of the agreements made with them by him, either before or since the deposite act of the 23d of June, 1836, has it ever been stipulated that they should furnish this specific information, and that they have not furnished it. Sir, it was precisely the most important of all possible information to show their actual condition;

and the omission to call for it would be inexcusable, but for the reason pleaded by the Secretary, that it was not required by law. The omission was the fault of the law, and not of the Secretary, and yet it would have been just and judicious if he had required it. There can be no honest reason for the banks to refuse it, and it would now be the best of all evidence to show what profit was derived by those banks from the deposites. We must, therefore, be content with an estimate; and a permanent deposite of twelve hundred thousand dollars for more than two years may be fairly estimated at ten per cent., or one hundred and twenty thousand dollars a year; and, as it is to be continued for nine, fifteen, and twenty-one months longer, the whole sum is in such deposite equivalent to a gratuity to the State of Alabama of four hundred thousand dollars, at the expense of her Northern sisters.

Mr. ADAMS was proceeding to comment on this statement, when

Mr. CAMBRELENG rose, and appealed to him to permit the question to be taken on the bill before the committee. He thought the gentleman was going to talk all night, (he said,) and it was late.

Mr. ADAMS was sorry the gentleman from New York did not relish his remarks.

Mr. CAMBRELENG assured the gentleman from Massachusetts that he had not listened to a single word he had said.

Mr. ADAMS pursued his remarks. He argued from the facts he had been commenting on, that the accumulation of the public moneys in certain States had been permitted for political effect, and that this had been used as an argument with gentlemen from those States to induce them to sustain other measures of the administration; and was proceeding on this view of the subject, by adducing facts, when he was called to order by

The CHAIRMAN, who intimated that he was wandering from the question immediately before the Committee of the Whole.

Mr. ADAMS observed that this was the first time any gentleman had been called to order in Committee of the Whole by the chairman for not confining himself strictly to the question immediately before the committee. It would be impossible to enumerate the different subjects which had been discussed under questions to which they had no relevancy; and he gave as an instance, the brilliant speech of the gentleman from South Carolina, [Mr. LEGARE.] The amendment of a gentleman from Georgia had been under the consideration of the committee, when that gentleman had delivered a philosophical, historical, admirable discourse upon finance, to which the House had listened with great pleasure, but which did not, in the remotest manner, relate to the particular motion before the committee, and had not been interrupted. The chairman of the Committee of Ways and Means himself had made a speech the night before upon the same amendment of the gentleman from Georgia, which gave rise to a dialogue between himself and a colleague, [Mr. HOFFMAN,] and which induced a dispute which had, doubtless, been settled to the entire satisfaction of both those gentlemen. It was a skirmish instigated by the private personal enmities and passions of the chairman of the Committee of Ways and Means himself, and he was not restrained by the Chair from wandering from the subject of debate; while he (Mr. ADAMS) had been pronounced out of order for connecting with the subject before the committee such allusions to another bill as tended to show the influence that the manner in which that bill passed would have upon his vote. [Cries from the House, "Go on!" "go on!"]

From the time of the passage of the deposite act of June, 1836, it was obviously the duty of the Secretary of the Treasury to withdraw from the bank at Mobile all superfluous deposites necessary to pay the whole of the four instalments to which other States were entitled. The supplementary act of July 4, 1836, made it most emphatically his duty to do so. The specie circular, if it had any practical effect at all, by pouring specie largely into that bank, afforded every facility necessary for that operation. In his annual report of December, 1836, he recognises that duty, and enlarges with no equivocal self-complacency upon his vigorous assiduity in performing it. And what has he done?

In the fourth quarter of 1836 there was in deposite of public funds in that bank, $1,060,246 30.

The four instalments of the deposites payable to the State of Alabama, in the year 1837, amounted to $892,115 71.

What had the Secretary of the Treasury to do but to require of that bank to credit the Treasurer of the United States with the four instalments due to the State of Alabama as they became payable, and there would have yet remained upwards of one hundred thousand dollars in that bank to be accounted for. That the Secretary himself understood this to be his duty is apparent from the fact which appears in his report of the 25th of September last to this House, that he did actually so pay off the first, second, and third instalments, amounting to $669,086 79.

Who, then, could have imagined that, after all these payments, when Congress came together, on the 4th of last month, the debt of the Branch Bank of the State of Alabama, at Mobile, was still $1,020,856 26? That, from the fourth quarter of 1836, in eleven months, and after a set-off of nearly seven hundred thousand dollars, the debt of the bank had not been reduced so much as forty thousand dollars? It can possibly have happened only by the Secretary's permitting the funds of the nation, devoted to other objects, to flow into this bank as fast as they went out by the payment of the three instalments.

I find in the reports of the Secretary of the Treasury no correspondence with the Branch Bank of the State of Alabama, at Mobile, concerning the payment of the instalments to the State, nor respecting the warrant for two hundred and thirteen thousand nine hundred and thirty-two dollars and fifty-nine cents, entered in the column of not yet paid, though payable. I have selected this Bank of the State of Alabama, at Mobile, as one of those, the relations of the Treasury with which are marked with a wilderness of confusion. The case of the Agricultural Bank at Natchez is still more extraordinary. That bank got the start of all the rest in the suspension of payments, not merely of specie, but of others. A Treasury draft upon it, which the holder of it was willing to receive in decent rags, was yet protested for non-payment on the 2d of May last. By the last return of the Treasurer's accounts, there was a balance still due from that bank of upwards of eight hundred thousand dollars. Their correspondence with the Secretary of the Treasury, communicated with his report of 25th September, is truly edifying. The whole correspondence with the late deposite banks, in that document, is scarcely less instructive. The Secretaries of the Treasury, since the removal of the deposites from the Bank of the United States and its branches, year after year, have lectured Congress upon the transcendent wisdom of that measure, and the present Secretary, in his annual panegyric upon the deposite State banks, informed us, I think, that this measure was no longer an experiment. Its success was unqualified. Its triumph was complete. In looking over the Secretary's fiscal reports to Congress, and especially the correspondence with the deposite banks, I could not but wish that this correspondence could be printed, in parallel columns, with the correspondence between the former Secretaries of the Treasury and the president of the Bank of the United States, from 1816 to 1833, particularly relating to the payment of large sums for the public, in short time, or on sudden emergencies. With the Bank of the United States, when the former Secretaries of the Treasury had large sums to pay, to transfer, or to bor-

row, they used no circumlocutions; made no timid inquiries when and how it would suit their convenience; offered no apologies for drawing upon them beyond their means; no promises that he would not for an indefinite time draw upon them again; nor did the president of that bank ever answer heavy drafts or warrants from the Treasury with excuses, and entreaties, and menaces, and discourses about the pressure of the times; the multitude of bankruptcies; the want of long notices before his drafts; and still less with inquiries whether he could not suspend them from March till the next January, or with proposals to borrow a million of dollars from an appropriation for an Indian treaty, and pay off the Indians with rags, because they preferred them.

The result of all this, sir, has been the twin bills with which this session of Congress began, and is to close: one to postpone for fifteen months the payment of the fourth instalment of the deposite act of 23d June, 1836, to sixteen States of this Union, and the other to authorize the ten other States to retain in their banks, effectively, for the same term of time, not only the fourth instalment which they were themselves entitled to receive, but the portion of the sixteen others, which the Secretary of the Treasury has suffered to flow into their banks, and which their banks refuse to pay. As the immediate representative of a part of the people of one of the plundered States, I have felt it my duty to resist this system of measures in both its parts, and even in these last hours of the session to expose it in all its nakedness. If the chairman of the Committee of Ways and Means will not hear me, I hope that his constituents and mine will. I have laid the whole system bare to the bone. The question of further postponement of the fourth instalment will come up again at the next or the succeeding session of this Congress. I am determined that whatever pretences may then be alleged for that postponement, or for the total repeal, which even now was intended and too thinly disguised, not a shadow of the pretence shall be left that the fourth instalment could not have been paid without a new tax upon the people. Every man, woman, and child, conversant with the four rules of arithmetic, who will look at this my tabular statement, will see that when this session of Congress commenced, there were in the deposite banks of the ten Southmost and Western States balances due to the Treasury sufficient not only to pay off the whole fourth instalment to the whole twenty-six States, but to leave still balances of millions for the lawful expenses of the nation; that even on the 1st of October, when the instalment should have been paid, and when, after the session commenced, more than two millions and a half had been extracted from those balances, there was still left of them an amount adequate to pay the whole fourth instalment, and to leave half a million of surplus for other exigencies of the Treasury.

Mr. Chairman, when I first observed in the statement annexed to the report of the Secretary of the Treasury at the commencement of the session, the enormous disproportion between the balances due from the Northern and those from the most Southern and Western banks, I attributed this pernicious engorgement of the public funds, the proximate cause of the ostensible necessity for postponing the payment of the fourth instalment, to the far-famed specie circular. By that document all the receivers of public moneys were required to annex to their monthly returns to the Treasury Department the amount of gold and silver received by them respectively, and each deposite bank was required to annex to every certificate given upon a deposite of money, the proportions of it actually paid in gold, in silver, and in bank notes. The object of this order could be no other than to keep the Department at all times apprized of the aggregate amount of the gold and silver which had been received, and where it was all deposited. There was no use in requiring the returns, unless the returns as they came in were continually digested by some subordinate clerk of the Department, to keep the Secretary constantly advised of the aggregate amounts, and where they were to be found. This information was precisely what I wanted, and the House, at my motion, on the 30th of last month, adopted a resolution calling upon the Secretary of the Treasury for copies of these returns required by the specie circular. I hold in my hand the report of the Secretary in answer to the call. It is, that the returns and certificates will amount in the aggregate to near one thousand five hundred documents, and that it would not be in the power of the Department, without a great addition to its clerical force, to have them all copied in season to be submitted during the present session of Congress.

The purpose of the call must have been perfectly obvious to the Secretary. It was a summary abstract of the amount of gold and silver received by virtue of the specie circular; the names of the officers by whom it had been received, and of the banks in which it had been deposited. If he had not, as I think he should have, such an abstract constantly before him, he surely has not in the Department a thousand dollar clerk, who could not have made it out from his fifteen hundred documents in two days. But he seems to have thought that this labor could be more easily performed by a deliberative assembly of two hundred and forty members in session, than by one of his clerks, for he adds that "if the information contained in them is wanted at an early day, the Department (clerks and all) would respectfully propose, at once, to lay the original returns and certificates of deposite before the House for examination, should that course meet with its approbation."

Mr. Chairman, the Department might as respectfully have proposed to send up to this House the whole mass of its records and files, as these fifteen hundred original documents. It reminded me of a caricature which, in my youthful days, more than half a century ago, amused me in London. It was on the occasion of Charles Fox's famous India bill, which proposed to take from the East India Company the government of that country, and transfer it to Commissioners appointed by Parliament. It produced a prodigious excitement throughout the kingdom, and ended in the total overthrow of the coalition ministry of Fox and North. There was a large majority for it in the House of Commons, but it was detested by the King, and excessively odious as a violation of chartered rights to the people. I was then in London, and remember seeing, at the print shops, a caricature of Charles Fox, with the immense pile of buildings called the India House, in Leadenhall street, upon his back, staggering up with it to Saint Stephen's chapel. The respectful proposal of the Department reminds me of this caricature. Methinks I see the Secretary, with the Department on his back, upheaving its vastness to mount the Capitol, and break its way into this Hall. I should be sorry to give him the trouble, and prefer to lack the desired information.

Mr. Chairman, I cannot vote for this bill in any shape; not that I am unwilling to afford relief to the people of the States where these delinquent banks are situated, or even to grant every reasonable indulgence of time to the banks themselves. Rash and reckless as the directors of these banks must have been to involve themselves and their institutions in such an enormous mass of debt, upon the credit of deposites of funds belonging to the nation, as to be unable, without a letter of license, for years, to restore the trust, as they had pledged themselves to do, on demand, I hold this Government, and especially the last administration, nor can I except the present, swamped in a far deeper responsibility, for the delinquency of these banks, than the banks themselves. "Lead us not into temptation," is the daily prayer which the founder of our religion has taught frail and feeble man to address to his Maker—and it is founded upon the principle that, from the consti-

tution of our nature, the *leader* into temptation is responsible for the fall of him who is led. Under whatever form of government the human being is associated, the most sacred duty of the ruler is not to lead the subject of his rule into temptation. The administration which wilfully and wantonly took away the custody of the public moneys from the institution to which it had been committed by law, shivered the trust into tatters, and then intrusted it, in broken fragments, to irresponsible State banks, committed the double wrong of robbing the national institution of its right, and of leading its new trustees into temptation; and, as if that was not enough, it prompted, it philtered them into seduction. I cannot have the heart to visit with severe punishment the weakness of the victim, while the tempter is beyond the reach of my power, and still glories in his shame: while the successor to his authority still clings to the leeks and onions of Egypt, and is not ashamed to tell this suffering nation that the people of Europe—the people of England—are afflicted at this time with the same calamity, and springing from the same causes, as themselves.

I feel with deep sensibility the distresses of the people of Alabama, of Louisiana, of Mississippi, and of the whole debtor States, and can have no possible animosity against their banks; but my own immediate constituents are suffering still more intensely from the same heartless experiment; more intensely, because the Department, smooth as the down of thistle to the Southern and Western banks, has been sharp as the thistle itself to the banks of the North. The only reason, the only necessity, for withholding the fourth instalment from the fourteen creditor States is to postpone the payment of the balances due by the banks of the ten debtor States. To this I cannot consent.

Nor is my opposition to these two bills prompted by the mere consideration that they are unwise and unjust in themselves, but that they are the pioneers of a system of policy to pervade this commencing administration throughout its whole career—a system of sacrificing the rights and interests, as well as the feelings, of the North, to the overwhelming influence of Southern theories, Southern interests, and Southern dictation. This is but the first step of a long line of march; and the preposterous divorce of bank and State, so delicious to the taste, and so cheering to the hopes of nullification, is undoubtedly the second. This measure, too absurd for serious reasoning, too alarming for scornful derision, so absurd that it was impossible to believe it proposed with sincerity, so terrible to the futurity of this nation, if really sincere, after floating triumphantly, in its passage from the Department, through the Senate into this House, has this day, by a timid and almost despairing resistance, been deferred till the winter session, for the scary and the wavering to go home and feel the pulse of the democracy of numbers. With the winter session it will come back, and nullification, under the rankest exhalation of whose pestilential breath it poured forth its first fetid infusions into this Hall, will again make her harpy feast upon its offals. That it will ever receive the sanction of this House, may a merciful Heaven forbid! In the interval, at least, I will cherish the hope of better things, and catch every gleam of brighter prospects to illuminate the auspices of the coming year."

Mr. Adams concluded at about eight o'clock, when,

On motion of Mr. CAMBRELENG, the bill was laid aside, and the bill "making additional appropriations for the year 1837, taken up in its stead.

## GENERAL APPROPRIATION BILL.

Mr. CAMBRELENG, in a few words, explained the grounds of the bill, as arising from a deficiency in the receipts of the Treasury.

Mr. WISE took the floor, and, after some general remarks of a congratulatory character on the defeat of the administration in the rejection of the sub-Treasury bill, proceeded to comment with severity on the expendiure of the public money on the agency of Mr. Rush, at London, and argued to show that, including every thing, it was costing the United States about $14,000 a year. He called for the reading of Mr. Rush's letter on the expenses and delays of suits in the British Court of Chancery; and also that of the Secretary of the Treasury, proposing the appropriation in the bill. He concluded by moving to strike out from the bill the item of ten thousand dollars for further expenses of the mission to London concerning the Smithsonian legacy.

After a brief reply from Mr. CAMBRELENG, in which he insisted that the Secretary was only carrying out the law which Mr. Wise himself, in company with Mr. Adams, had advocated, the question was taken on the motion to strike out, and negatived: Yeas 65, nays 74.

Mr. W. COST JOHNSON then addressed the House for an hour in a discursive speech, in which he complained, in very strong terms, of the breach of faith of the Secretary of the Treasury, in his public promise to pay the members in gold, if they desired it. Members had applied to the Sergeant-at-arms for gold, and had been told that there was no more of it, but that they could have silver, or notes of State banks, or of the District banks. He adverted to a number of other topics, but this was the principal theme of remark.

Mr. BYNUM said a very serious charge had been brought against the Secretary of the Treasury; for which, if guilty, he certainly deserved not only the censure of that House, but also of the whole people of the country. That gentleman had no seat upon that floor, and was thereby debarred from all opportunity of defending himself. Mr. B. did not rise at that time to defend the Secretary, but simply to ascertain the facts upon which this serious charge had been made against that distinguished individual. He would, then, premise that his honorable friend who had just taken his seat, would find that the Secretary of the Treasury had not imposed upon him or other members, but that others had. He begged permission to have read the letter of that officer to the Clerk of the House; which was done.

The letter was as follows:

"Treasury Department, *August* 16, 1837.

"Sir: The near approach of the session of Congress makes it proper for me to apprize you, in order that the information may be used for the benefit and accommodation of the members of the House of Representatives, that this Department will be prepared to furnish funds for their payment in notes of the city banks or specie, or to give drafts upon several of the collectors of the customs and receivers of the public money, or the former deposite banks, in suitable sums, as may be most convenient to any of them.

"I am, sir, very respectfully, your obedient servant,

"LEVI WOODBURY,

"*Secretary of the Treasury.*

"W. S Franklin, Esq.

*Clerk of the House of Reps. of the U. S.*"

Now, sir, (continued Mr. B.) the House would perceive that the honorable gentleman who had made this serious charge against the Secretary of the Treasury had presumed too much upon that kind of information which often led to error, and involved him who relied upon it, likewise, in error. It had been stated there that the Secretary of the Treasury had proposed to pay the members of that body in "gold alone." The House has heard the letter of that officer, and it contained no such promise whatever.

Mr. WISE. I would ask the gentleman if he referred to me.

Mr. BYNUM. I do not recollect who it was, but I heard it.

Mr. WISE. I never made such a statement that he promised to pay in "gold alone."

Mr. BYNUM. I care not who made the charge, but it must be in the recollection of the House that the assertion was made that he had given a promise to pay the members in gold; and I appeal to the House to say whether I do not state facts.

Mr. B. would now ask the reading of a letter from the Sergeant-at-arms, in reply to one he had addressed to that officer, calling upon him to state the facts whether the specie was exhausted, and whether any members had been denied being paid therein, as set forth in the letter of the Secretary of the Treasury.

The following was the letter addressed by Mr. B. to the Sergeant-at-arms, and his reply:

"House of Representatives, *Oct.* 13, 1837.

"Sir: Will you be so good as to inform me if you have stopped paying the members of Congress in specie for their mileage and per diem of the present session, and whether you will not be able to pay the whole off in specie for the present session of Congress? Please answer this in writing.

"Yours, respectfully,

"J. A. BYNUM."

"Dear sir: In reply to the above, I can only say that I have drawn from the bank coin (either gold or silver) for every member who has requested it, and have now about $2,000 in specie drawn for the checks of members, that is now ready to be paid to them; and I have been assured by the cashier of the bank that they were prepared to pay in specie all our checks.

"Respectfully, your obedient servant,

"ROD'K DORSEY."

Mr. W. C. JOHNSON said he was in the room of the Sergeant-at-arms, about an hour or so ago, and he saw a member from Virginia being paid in notes; he did not then see that member in his seat. Mr. J. thereupon asked Mr. Dorsey whether he was paying off members in gold and silver, and he replied that he was not. Mr. J. asked him if the specie was exhausted, and Mr. D. said that it was. This conversation took place in the presence of half a dozen members of the House. He repeated upon his own authority the Sergeant-at-arms told him so, and he saw him with his own eyes dealing out notes.

Mr. RIVES said he was not the member from Virginia alluded to, but he thought if this matter were investigated, it would be found that that member preferred taking notes to specie; for Mr. R. had been otherwise informed, that that officer had a stock of specie on hand, and had not refused so to pay any member who desired it. Nay, more, that he had on several occasions, when members have applied to him for their pay, inquired how they would wish to have it. Some of them replied that they would prefer Treasury notes, contemplating their issue, and, in that event, concluded to wait till they were issued. Some had preferred Virginia bank notes, others had preferred District paper, and others again gold and silver; perhaps none have preferred silver. There was no question that the promise contained in the Secretary's letter had been fully complied with, and every member, who desired it, had been paid in specie.

Mr. WISE again called for the "emphatic" reading of Mr. Woodbury's letter, (as given above,) which he still insisted was an imposition.

The letter having been read, Mr. W. cited from it the following passage: "as may be most convenient to any of them."

Now, said he, which was most convenient? Specie was the general term, embracing both gold and silver, but the letter was an imposition, for there was not a man there who would take forty or fifty pounds weight of silver, and that in fractions of a dollar, for they could not get it in whole dollars. Was it convenient then for members to take silver? No. Then they were reduced to Hobson's choice—paper or silver, having no gold, and therefore they were compelled to take paper, and therefore too Levi could not redeem his promise. Mr. W. stated, in confirmation of this fact, that Mr. Halsted, of New Jersey, made application to the Sergeant-at-arms for gold, and could not get it. The Sergeant-at-arms refused it.

Mr. JOHNSON interposed, and said that, in the remarks he had made on this subject, he, in no way, intended to impeach that officer, for a more faithful, diligent, and honorable one they had never had.

Mr. WISE remarked that he did not design to impeach the conduct of the Sergeant-at-arms, and that officer would not so understand him, but there were a dozen members who could confirm what he had stated. Mr. Dorsey had to pay out what funds were in his possession, or he was supplied with, and gold, at present, formed no part of them.

Let him also inform the House of another fact, that the very specie they were then paid with, even the silver, was the bank's specie, and not the Government's. The Bank of the Metropolis had loaned the Government some twenty or thirty thousand dollars in specie for this purpose, for the Government had neither gold nor silver of its own to pay out.

Mr. BRIGGS inquired of the Chair what was the question.

The CHAIR stated it was on the clause respecting the item for an agent in London to prosecute the Smithsonian bequest.

Mr. BRIGGS expressed an earnest hope that the committee would take the question. There they were at 10 o'clock of a Saturday night, on the last night too of the session, with much important business to act upon, wasting about two hours on the contemptible question, whether the Sergeant-at-arms had gold or silver to pay the members! In the name of Heaven, he called upon the members of that House to continue this discussion no further, a discussion, together with the question involved in it, of no consequence to any human being on earth.

While up, he must say, that the effort of his friend from Virginia [Mr. Wise] to fix any thing wrong upon the Secretary of the Treasury, from the reading of his letter, did not meet Mr. B's approbation. The Secretary told the Clerk of the House, that the members would be paid either in notes of the city banks, or specie, or drafts upon collectors or receivers, or deposite banks, in one or the other, as should suit their convenience. Now he would ask the gentleman if it was a fair construction, to say that this was a promise to pay in "gold!"

Mr. WHITTLESEY, of Ohio, called the gentleman to order, for irrelevancy.

Mr. BRIGGS. I will come to order, sir; for I am too well aware of the utter irrelevancy of this whole discussion; and being so, I stand corrected.

Mr. HAWKINS begged leave to state what he witnessed in relation to this matter, in the room of the Sergeant-at-arms.

Mr. CALHOUN, of Massachusetts, objected.

Mr. GLASCOCK hoped the gentleman from North Carolina would be allowed to go on, especially as he was a member who had never, in his life, delayed the business of the House. [Loud and general cries of "go on!" "go on!"]

Mr. HAWKINS then made a statement substantially as follows: That he had stepped into the room where the Sergeant-at arms was paying the members, when he heard the member from Virginia, from the Richmond district, [Mr. Robertson,] apply to that officer to know in what

kind of currency he intended to pay him. Mr. Dorsey observed that he could pay him in specie, and asked him what kind of money he wanted. Mr. Robertson stated that he wished Virginia paper. Mr. Dorsey said he had not got Virginia paper, but would try and get it for him. One of Mr. H's colleagues, standing by, said if Mr. Dorsey would give him specie for fifty dollars of United States Bank paper, perhaps these notes would suit Mr. R's convenience. Mr. Robertson said he would not take the notes of the United States Bank, but would much prefer Virginia bank paper to them.

The amendment was then disagreed to.

Mr. WISE then moved to amend the clause by reducing the item for the expenses of the agency to London, to attend to the Smithsonian bequest, from 10,000 to $5,000.

Mr. CAMBRELENG said he had not the least objection, because, if the larger sum was found to be requisite, it could be provided for next session.

The amendment was accordingly agreed to.

The committee then rose and reported, and the amendment having been concurred in, the bill was ordered to a third reading; it was then read a third time and passed.

## SUSPENSION OF RULES.

A joint resolution of the Senate suspending the rules which prohibit the transmission of bills from one House to the other during the last three days of the session, and also the presenting of bills to the President within that time, was agreed to, after amending it so as to except the sub-Treasury bill from its operation.

On motion of Mr. F. O. J. SMITH, the Committee of the Whole on the state of the Union were discharged from the further consideration of the bill to settle with the deposite banks.

## SEMINOLE WAR.

On motion of Mr. CAMBRELENG, the House then again went into Committee of the Whole on the state of the Union, (Mr. Briggs in the chair,) on the bill making appropriations for the Seminole war.

The bill having been read through,

Mr. CAMBRELENG submitted a variety of statements, showing the necessity of a further call of $1,600,000, among which was the following letter from the Secretary of War:

War Department, *Sept.* 14, 1837.

Sir: The Seminole Indians having a second time failed to comply with their engagements, this Department has been compelled to make extensive preparations for a vigorous prosecution of the war in Florida. The success of the measures adopted by the Government, in pursuance of a humane policy towards the Indians, and our duty to protect the persons and property of the citizens of that Territory from outrage and violence, leave us no alternative other than the enforcement of the treaty; and an effort is being made to enable the officers charged with its execution, effectually to accomplish this object. The nature of the country and of the climate has enabled the enemy to prolong this contest to an unexpected length; but the experience of the officers, who, with so much constancy and courage, have hitherto conducted the military operations there, the knowledge of the country they have acquired, and the means which will be placed at their disposal, all give reasonable hopes of bringing the war to a speedy and successful close.

The disastrous consequences of an unsuccessful summer campaign involved the country in great expenses, which were much increased during the protracted negotiations which terminated so unfortunately by the Indians again violating their treaty obligations. During this period, vessels were kept in readiness at great cost, and other means provided to facilitate the emigration of the Indians, while the ordinary expenses of the war establishment were necessarily continued. These unavoidable expenses, with those incurred by the preparations now making to collect a sufficient force and ample supplies for the ensuing campaign, have exhausted the means placed at the disposition of this Department for the suppression of Indian hostilities, and will render further legislative provision necessary.

There will be required for the suppression of Indian hostilities, under the following heads, the sum of $1,588,848 22, to wit:

| | |
|---|---|
| For forage, means of transportation, and various other objects of supply, to be procured by the Quartermaster's department, and to meet the contingent expenses of the service | $800,000 00 |
| For pay of volunteer force that will be employed in Florida | 600,000 00 |
| For clothing and equipage to be provided by the Purchasing department | 153,848 22 |
| For supplies to be furnished by the Ordnance department | 25,000 00 |
| For medical supplies | 10,000 00 |
| | $1,588,848 22 |

With a view to an economical prosecution of the important work now in progress on the Red river—the removal of the raft—it is respectfully suggested that the sum of $25,000 be appropriated at the present time. This amount, it is confidently believed, if applied now, will enable the Department to complete that object; whereas, if the works be suspended for want of funds, until the usual period of making the annual appropriations, much precious time will be lost, and great additional expense incurred.

Very respectfully, your most obedient servant.

J. R. POINSETT.

Hon. Silas Wright, Jr.
*Chairman Committee of Finance, Senate.*

Mr. EVERETT said that on a former occasion he had intimated an intention, when this bill should come up, to submit some remarks on the conduct of the Seminole war, but he had concluded to forbear at this time to go into the subject. He was induced to do this under the expectation, which he believed the whole country entertained, that the present would be the last campaign, and this the last appropriation the House would be called on to make in support of that war.

The bill was then laid aside, to be reported to the House.

## NEW YORK FIRE.

Mr. CAMBRELENG moved that the committee take up the bill to remit the duties on certain goods destroyed by fire in the city of New York.

Mr. WHITTLESEY, of Ohio, wished to inquire of the gentleman if he thought to pass that bill the present session?

Mr. CAMBRELENG replied that he hoped so, and made an earnest appeal to the committee to give its approbation to the measure.

The bill was then taken up, and having been read by the Clerk,

Mr. UNDERWOOD, to test the sense of the committee, proposed that it be laid aside, and that the committee refuse at present to act upon it.

Mr. CAMBRELENG hoped that motion would not prevail.

Mr. HOFFMAN also joined in that wish, and the motion was disagreed to: Ayes 66, noes 67.

Mr. CAMBRELENG concurred with the gentleman from Kentucky, that they had not time to discuss this bill then, but he did not consider it necessary, after the very long debate upon it last year, which had been spread before the nation, and he therefore trusted the committee would act upon it at once, and report it to the House.

Mr. THOMPSON strongly opposed the bill, and expressed his determination to defeat it, and moved that it be laid aside.

Mr. PHILLIPS said a few words in its support.

Mr. OWENS moved that the committee rise, and report the Seminole war bill, which was agreed to; and that bill having been engrossed, was read the third time and passed.

## DEPOSITE BANKS.

On motion of Mr. JOHNSON, of Louisiana, the bill from the Senate "for adjusting the remaining claims upon the late deposite banks" was taken up.

Mr. J. moved to amend the bill by striking out the clause granting the deposite banks four, six, and nine months, and by inserting the following: "The first instalment to be paid on the first day of July next, the second on the first day of January, 1839, and the remaining instalment on the first day of July, 1839." Mr. J. explained the important services rendered to the Government by the two deposite banks in the city of New Orleans, and the strong claims they had upon the Government for indulgence, and exhibited a statement showing the millions which had been transferred, by order of the Secretary of the Treasury, from other points to the said banks in New Orleans, and paid there. He remarked that those banks would probably sustain immense losses by remittances in exchange to points designated by the Secretary of the Treasury, in consequence of the protest of the greater portion of them. Had the bills so purchased and remitted been paid, nearly the whole debt due to the Government would have been extinguished. They were drawn, he said, on houses believed to be perfectly good at the time, and would have been punctually paid but for the recent pressure, which had created such a convulsion in the commercial affairs of the country. Notwithstanding those losses, however, the banks, he said, are now prepared, and always have been, to pay the whole amount due by them, in such funds as they received in deposite.

Mr. J. contended that, independently of the claims of the deposite banks upon the Government for indulgence, it was due to the people that it should be granted; that, by pressing the banks, a pressure would be created upon the people. He was decidedly opposed to the amendment presented by his colleague, [Mr. GARLAND,] as well as to the one offered by the gentleman from New York. They were both calculated, if adopted, to operate injuriously.

Mr. POPE and Mr. ADAMS severally opposed the bill; when the amendment was agreed to: Yeas 77, nays 54.

Mr. CAMBRELENG said, to put an end to this matter, he moved the previous question.

Mr. UNDERWOOD inquired, before he could vote for it, if the banks were required to pay interest.

Mr. CAMBRELENG replied in the affirmative.

The previous question was then seconded, and the main question having been ordered, the amendment was concurred in; and the question being on the final passage of the bill,

Mr. WILLIAMS, of North Carolina, said he was totally opposed to this bill in every shape and form; and, therefore, he asked for the yeas and nays, but they were refused.

Mr. BELL opposed the bill, and demanded some explanations, as to its details, of the chairman of the Committee of Ways and Means, which were given. He then suggested, as the best mode of disposing of the subject at so late a period in the session, to authorize the Secretary of the Treasury to suspend all legal proceedings against the banks referred to in the bill, until the next session of Congress. He considered the bill to be loosely drawn, containing no provision for the case of those banks against which suits had been actually instituted.

After a few words from Mr. MARTIN, the question was taken on the passage of the bill, as amended, and decided in the affirmative.

## GENERAL APPROPRIATION BILL—AMENDMENTS THERETO.

On motion of Mr. CAMBRELENG, the House then resolved itself into a Committee of the Whole on the state of the Union, (Mr. BRIGGS in the chair,) and took up the amendments proposed thereto by the Senate. There were three.

The first makes appropriation of $25,000 for the printing and binding of certain documents ordered by the Senate.

The second provides for an additional appropriation of $2,000, for extra clerk hire in the office of the Solicitor of the Treasury, under laws passed at the present session of Congress.

The third authorizes the Secretary of the Treasury to settle all outstanding Treasury dafts or transfers on the deposite banks, under the deposite act of 1836, such drafts or transfers to be received at par in the payment of debts, without allowance of interest or damages thereon.

Mr. GARLAND, of Louisiana, made objection to the second proposed amendment; and, by consent, the other two amendments were first taken up, and concurred in by the committee.

The second amendment being then exclusively under consideration, after some remarks from Messrs. JOHNSON, of Louisiana, and THOMPSON, the proposition was rejected: Yeas 67, nays 62.

On motion, the committee then rose, and reported the amendments to the House. And the question being on the concurrence of the House with the Senate in the proposed amendments, (the question being taken on them severally,)

Mr. WHITTLESEY, of Ohio, demanded some explanation as to the first amendment, calling for an additional appropriation of $25,000 for certain printing and binding.

The Clerk read several resolutions of the Senate authorizing the printing of certain documents relating to the cession of the District of Columbia to the United States, and other subjects; and, after some remarks from Messrs. CARTER, MENEFEE, CUSHING, and DUNCAN, the amendment was concurred in.

Mr. CUSHING then asked for some information in regard to the third proposed amendment; and whether the provisions it contains were intended to reach, or to apply to, any particular case?

Mr. CAMBRELENG made a brief reply.

The first and third amendments of the Senate were agreed to, the House non-concurring with the second.

A motion to adjourn was here made, and lost.

## THE NEW YORK FIRE BILL.

Mr. CAMBRELENG moved that the House go into Committee of the Whole on the bill to relieve the owners of goods destroyed at the great fire in New York from the payment of duties thereon. And this motion was lost by a vote of 66 yeas to 70 nays.

## HOUR OF MEETING ON MONDAY.

Mr. WHITTLESEY, of Ohio, asked the consent of the House to offer a motion, that when the House adjourn it be to meet on Monday, at 7 o'clock A. M. (Cries of No! no! from all sides.)

Mr. WHITTLESEY named 8 o'clock A. M. (Cries of No! repeated.)

A gentleman from Georgia named 9 o'clock A. M. (Same cries.)

Mr. WHITTLESEY demanded the suspension of the rule, to enable him to make the motion: this motion requiring a vote of two-thirds, prevailed—Yeas 112, nays not counted; and the motion to meet at 8 o'clock on Monday morning was carried.

Another unsuccessful motion was then made to adjourn.

Several enrolled bills were presented, and signed by the Speaker.

Mr. DUNCAN, on leave, had the record of his vote on the motion to lay the motion to reconsider the vote on the sub-Treasury bill this day, changed from the affirmative to the negative.

Mr. CURTIS made another unsuccessful attempt to prevail on the House to go into Committee of the Whole on the New York fire relief bill.

## THE DEPOSITE BANK ADJUSTMENT BILL, AS AMENDED.

The Senate, having concurred in the amendment proposed by the House to this bill, proposed a further amendment, declaring that the default referred to in the bill shall be understood to be a failure of any of the deposite banks to pay the drafts of the Treasury; and that such bank be charged six per centum per annum interest on such drafts for the time of default.

Messrs. McKAY, POPE, and GRAVES, made a few remarks upon the proposed amendment; and

Mr. LOOMIS, of Ohio, moved to lay the whole bill on the table; which motion was lost.

Mr. GRAVES thought the amendment partial and oppressive in its provisions, and was making some remarks to that effect, when he observed that he should suspend them, until the Chair had finished his conversation with another member.

The SPEAKER said it was usual for the Chair to answer such questions, in regard to the pending business, as any member chose to come to the Speaker's table to propound; that he was doing this then, and could not be expected to look intently on every gentleman who addresses the House.

Mr. GRAVES thought the Chair could not attend to individual members of the House and to the business of the Chair at one and the same time.

The SPEAKER called the gentleman to order; and

Mr. GRAVES proceeded with his remarks. He wished the amendment proposed to be so modified as to be uniform in its application to all the deposite banks.

Mr. LOOMIS, of New York, reviewed the course the debate had originally taken upon the proposed amendments, and upon the different propositions, as made by himself and others, and the action of the House upon the same. He thought the bill had better not pass in the form proposed by the Senate, but should rather, for the present, be postponed, and brought forward hereafter in a more digested form. Mr. L. closed his remarks by moving to postpone the further consideration of the bill until the first Monday in December next.

Mr. POPE said he had conceived that there were two objects for the convention of Congress at this session: the first was to relieve the mercantile distress of the country; and the second, to devise such means as would relieve the banks, and enable them to resume specie payments immediately. He was in favor of such action on this bill as would accomplish the latter object most speedily.

Mr. CAMBRELENG reminded the House that it was then ten o'clock at night, and that the proposition before them was the only one impeding their progress.

Several gentlemen expressed opinions favorable to immediate action on the amendment, and Mr. GRAVES hoped that the gentleman from New York [Mr. Loomis] would withdraw his motion; which suggestion was complied with by the latter.

The question being on concurrence with the Senate in their amendments,

Mr. WISE called for a count, which was ordered, and it appeared that the House was without a quorum.

A motion being made to proceed with the consideration of the subject before the House,

Mr. WISE would not consent to act on a matter so important in that state the House. Here were some 80 members doing the business, to transact which 240 had been sent! Nor was there a quorum in the Senate, either; and on a bill like this! at a distress session, too! He could not consent to it.

Mr. HOWARD moved that the House non-concur with the Senate in its proposed amendment, with a view to a conference between the two Houses.

Mr. LEWIS remarked that there was neither a quorum in the Senate nor in the House.

Mr. ADAMS said, the House can neither concur nor non-concur. It was then Sunday morning, he observed, and he would move that the House adjourn. But he withheld this motion until the question on concurring was put, when it appeared (by a count of tellers) that there was no quorum present, 61 voting in the affirmative, and 22 in the negative.

Mr. McKIM moved that the House do now adjourn.

Mr. WISE. Let us see who the members are who do not choose to adjourn under these circumstances. I call for the yeas and nays.

The yeas and nays were ordered; and the vote stood: Yeas 38, nays 50.

Mr. CAMBRELENG then said that it would be subjecting the members present to too much inconvenience to keep them here during the tedious process of a call of the House, so late at night. But, if the officers of the House do their duty, a quorum may be kept on Monday, when he hoped to see such an attendance as would result in the transaction of the public business.

Mr. THOMAS suggested that it was better to pass a vote of non-concurrence, which would leave this question just where it was, when many members went home, believing that no further action would be had upon the bill before the House.

Mr. HAYNES could not consent to do business with the knowledge that there was no quorum present. Before any question could be entertained, the presence of members must be compelled.

Mr. LEWIS. Let us have a call of the House, then, and compel the attendance of members.

Mr. ADAMS would not consent to act upon any question without a quorum. This bill he considered as the price of the deposite postponement bill, passed this session by Congress; and a measure of too much importance to be acted upon in that state of the House. He would sit there till Monday morning, if required, but he, for one, would not do business with only eighty members present.

Mr. HAYNES said he was convinced nothing could be done that night, and he therefore would move an adjournment.

This motion prevailed, without a division, and the House adjourned, at half-past 1 o'clock on Sunday morning.

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Monday, October 16.

## DEPOSITE BANK ADJUSTMENT BILL.

The House met at eight o'clock, and a quorum being present, proceeded to business.

The question being on concurrence in the Senate's amendment to the bill extending indulgence to the deposite banks, (declaring the time at which payment of interest on balances due shall commence, viz. from the date of any default or neglect to pay any draft or requisition of the Treasury,)

Mr. HAYNES said a few words on the amendment in relation to its application only to banks which had been delinquent. This excluded from the provisions of the bill entirely those which had not been drawn upon at all.

Mr. ADAMS spoke with warmth in opposition to the bill and amendment. Its provisions having reference to

the first section of the bill, would, in effect, apply not to banks which were delinquent, but involved the absurdity of applying it only to banks which were not delinquent. Mr. A. said he had demonstrated this at a previous sitting, to the conviction, he believed, of every one who had heard him. The chairman of the Committee of Ways and Means had not so much as attempted to answer the argument. And Mr. A. now declared, in the presence of this House, that if this bill was to go forth to the nation with that section in it, it would be a disgrace to our legislation. The first section of the bill extended relief to those banks only which were not delinquent; and, as the amendment had reference to the same banks, it would, in fact, have no operation at all, unless from a constructive power in the Secretary of the Treasury, and a fraudful application of it to such banks as were delinquent. If the obstinate perseverance of the chairman of the Committee of Ways and Means in forcing this bill through the House with this obvious absurdity on its face was to succeed, it should not be at least without opposition on the part of Mr. A. He would read the first section once more, and would demonstrate, a second time, that it had reference only to banks which were not delinquent. Let the chairman, cried Mr. A., answer me, if he can. [Mr. A. here read the section referred to.] What a power, said he, is here given to the Secretary of the Treasury! The power of selecting and discriminating between bank and bank, at his pleasure; of refusing to apply the benefits of the act to any bank he chose; for, he might reply to its application for relief, "You have not complied with the requisitions of the Department, and therefore you cannot be relieved." While, when a similar application was made by another bank which he wished to favor, he might pass over the matter in perfect silence and grant the request. It gave him the power of a double construction; and under that power he might select any bank he chose to ruin, and any other he chose to save, and apply the one construction or the other as best suited his purpose. It carried either fraud or absurdity upon its face.

Mr. A. then went into a recapitulation of what had passed in the House on Saturday in relation to the bill, characterizing the amendment offered by Mr. LOOMIS, of New York, as proposing nothing but simple, rigorous, abstract justice to the States which had been injured by the postponement of the deposites, by requiring that the banks of those States which held large amounts of money which would but for that postponement have gone to other States, should pay legal interest for its use. The subsequent amendment offered by Mr. JOHNSON, of Louisiana, he referred to as a consummation of the bargain which, he said, had been, with so much decency, consummated in the face of the House between the chairman of the Committee of Ways and Means and certain gentleman from Louisiana, whose votes he wanted to pass his postponement bill.

Mr. RICE GARLAND here interposed. Does the gentleman refer to me?

Mr. ADAMS. I refer to no individual whatever.

Mr. R. GARLAND. Am I the gentleman from Louisiana referred to?

Mr. ADAMS. I did not allude to him more than to other gentlemen coming from those States where this money lies. I had no particular reference to one of them more than to another.

Mr. CHAPMAN. I am the only other member from Louisiana. I made no bargain of any sort about the matter. I have been no devoted friend to the measure from its inception to its consummation. The gentleman, therefore, cannot refer to me.

Mr. ADAMS. I did not allude to that gentleman—far from it. I am fully aware that he preferred that the bill should not pass. I would to God that all the gentlemen coming from the States most interested could say the same. I repeat that the bargain was pointed out by the gentleman from Georgia, [Mr. DAWSON,] and a gentleman from Missouri, at the very time it took place; and, I say further, that I take this amendment to be the consummation of that bargain. When it was proposed, in committee, that the bill to postpone the deposites should be laid aside until this bill for the relief of the banks should first be acted upon, the chairman of the committee did openly pledge himself, when resisting that arrangement, that those banks should be liberally dealt with: and here we have the fulfilment of that pledge.

Mr. CAMBRELENG. Is it in order to refer, in the House, to what passed in Committee of the Whole?

The SPEAKER was replying, when Mr. ADAMS said he hoped the chairman of the Committee of Ways and Means would not be suffered to put him down. He should declare the disgraceful scene, whatever interest that gentleman might have in shutting his mouth.

The CHAIR here pronounced it wholly out of order to refer, in the House, to what had been said or done in Committee of the Whole.

Mr. ADAMS then said he would put a case, and would suppose that certain facts had transpired—not here, but in another legislature—in the moon, if gentlemen pleased. He then repeated what he had before stated as to the history of the amendments to the bill. When the amendments were still pending, the objections all urged, and none of them answered, the bill had been laid aside, other bills had been taken up, when the committee rose and reported progress on the whole. Immediately thereupon, it had been moved by a member from Maine, that the Committee of the Whole be discharged from the further consideration of this bill; the effect of which was to cut off the amendment of the gentleman from New York, [Mr. LOOMIS.] The amendment of the gentleman from Louisiana [Mr. JOHNSON] was then offered, and instantly on its adoption the chairman of the Committee of Ways and Means sprang to his feet and demanded the previous question, and the bill was thus passed almost by acclamation.

Now the bill came back from the Senate with an amendment, which would render the whole either a palpable absurdity, or else an instrument of fraud. And this was the way in which the business of this whole session had been conducted—a session which had been called for the purpose of organizing an entirely new system of finance for the country. The House had sanctioned a series of measures all tending to this object; but the most pernicious and cruel of them all had, he thanked God, been laid upon the table. At least a respite had thus been afforded to the nation, a breathing spell, before it had imposed upon it that state of servitude which the system, if successful, would not have failed to fasten upon it. He now said, openly, in the face of the House, that, whenever objections, however strong, had been urged against the system of measures which had originated in the Treasury, with the exception of a few paltry amendments proposed by the chairman of the Finance Committee, that gentleman had no other recourse against them but to call upon his party to "toe the mark;" that had been his answer, and his whole answer, to every argument. That had been the history of the session. The chairman of the Committee of Ways and Means, the minister of the Executive, the Chancellor of the Exchequer, who was here to carry into effect the rescripts of the Treasury Department, had no other answer to any objections, either in gross or in detail, than this cry of "toe the mark." Mr. A. had asked of him what part of this bill applied to delinquent banks? What it was that by the bill the United States gave up? And he had been utterly unable to answer; yet, from his official situation, it was his place to answer inquiries put to him in relation to the public measures he brought forward. His only reply had been to get the bill laid aside, to consummate his bargain, and then to call the previous question. Such had been his course

throughout; and Mr. A. could not suffer the session to come to a close without exposing and denouncing it to the country. Had the system originated in Heaven, (which seemed to be the very contrary place to that in which it did originate,) questions of a relevant nature, and properly presented, might be asked of him who brought it into the House; and it was his official duty to respond to them, and to give his reasons, if any he had; but nothing of this had been done at all. He had got the deposite postponement bill passed, after attempting to force it through the House in its original form, by admitting the minimum amendments, and excluding every other.

The CHAIR here admonished Mr. A. that the deposite bill could not now be discussed; it was not before the House.

Mr. ADAMS. I consider each and all of these bills as part and parcel of one system, and therefore—

The SPEAKER. This is a question of concurrence with the amendment of the Senate to a different bill. It has no connexion with the deposite law; and it is out of order to discuss that law at this time.

Mr. ADAMS. Does the SPEAKER deny that these measures constitute one system? Does he decide that this bill and amendment are not part of that system?

The SPEAKER. The CHAIR is not called to decide that question. This is not the deposite bill. And the deposite bill cannot now be discussed.

Mr. ADAMS. I was not discussing the deposite bill. I was connecting the other measure with that now before the House. I was showing its connexion with this bill and amendment. They are so connected that they cannot be separated; and I was deriving an argument against concurring in this amendment from external objects, and the anti-deposite law among others.

The SPEAKER here said that, if it was the object of the gentleman to connect it with the present subject, and there could be shown to exist such a connexion, it would be in order to introduce it; but the CHAIR could perceive no connexion. He would leave it to the judgment of the gentleman from Massachusetts.

Mr. CAMBRELENG said he did not hear the decision of the CHAIR. If the gentleman from Massachusetts was out of order, he hoped he would not be permitted to proceed.

Mr. ADAMS. Well, since what I was saying is so exceedingly disagreeable to the chairman of the Committee of Ways and Means, and apparently to the SPEAKER of this House, I will sit down.

The SPEAKER. It is not disagreeable to the SPEAKER. He has no desire to interrupt the gentleman from Massachusetts; but the CHAIR must discharge its official duty.

Mr. ADAMS. I have no doubt of the disposition of the SPEAKER to discharge his duty "as he understands it;" but, unfortunately for me, the SPEAKER understands it in a different way from what I do.

Mr. CAMBRELENG rose to order. When a member was called to order by the CHAIR, and was manifestly out of order, and was ordered to take his seat, was it not his duty, under the rules of the House, to take his seat? and could he again proceed without the leave of the House?

The SPEAKER said that, when a member was so repeatedly out of order as to be directed by the CHAIR to take his seat, the rule was as the gentleman from New York had stated. But, in the case of the gentleman from Massachusetts, the CHAIR had abstained from interposing by an absolute command, as he was empowered by the rules to do. And the gentleman was, therefore, at liberty to proceed if he confined himself to the subject before the House.

Mr. ADAMS. Out of tenderness to the chairman of the Committee of Ways and Means, I will say no more.

Mr. CAMBRELENG. All I shall say in reply is, that as that gentleman has referred, in his suppositious case, to a council in the moon, I should consider the gentleman himself as very fit to be a member of such a council.

I demand the previous question.

Mr. LINCOLN here moved to lay the bill and amendment on the table. And, as by the rules, this question takes precedence, the question was put upon laying on the table.

Mr. RICE GARLAND hoped the motion would be withdrawn, that he might have an opportunity of replying to the very unjustifiable attack made by the gentleman from Massachusetts upon the members from Louisiana.

Mr. LINCOLN declined; and the question was thereupon put to the House, and decided in the negative

The call for the previous question was seconded: Ayes 87, noes 37.

The previous question was agreed to: Ayes 92, noes 32.

The main question, on concurring with the Senate in their amendment to the bill, (as above stated,) was then put, and carried by yeas and nays, as follows:

YEAS—Messrs. Alexander, Heman Allen, John W. Allen, Anderson, Andrews, Atherton, Aycrigg, Beatty, Beirne, Bell, Bicknell, Biddle, Birdsall, Boon, Bouldin, Brodhead, Bronson, Bruyn, Cambreleng, John Campbell, Casey, Chambers, Cilley, Claiborne, Clark, Cleveland, Coles, Conner, Corwin, Crockett, Cushing, Cushman, Davee, De Graff, Duncan, Dunn, Ewing, Foster, Gallup, James Garland, Gholson, Goode, William Graham, Grant, Graves, Griffin, Hamer, Harlan, Harrison, Harper, Hawkins, Herod, Hoffman, Hopkins, Howard, Hubley, Jabez Jackson, Jenifer, Kilgore, Lewis, A. W. Loomis, Maury, Maxwell, McKay, Robert McClellan, Abraham McClellan, McKim, Menefee, Miller, Montgomery, Morgan, Matthias Morris, S. W. Morris, C. Morris, Muhlenberg, Murray, Noble, Ogle, Palmer, Parker, Parmenter, Patton, Plumer, Pope, Pratt, Prentiss, Reily, Ridgway, Rives, Rumsey, Shields, Sheplor, Southgate, Spencer, Stewart, Stone, Taylor, Thomas, Titus, Toland, Turney, Vail, Webster, A. S. White, E. Whittlesey, C. H. Williams, Yell—107.

NAYS—Messrs. Adams, Bond, William B. Calhoun, W. B. Campbell, W. B. Carter, Chapman, Cheatham, Curtis, Davies, Dennis, Edwards, Everett, R. Fletcher, Fillmore, Rice Garland, James Graham, Grennell, Hastings, Haynes, Henry, Holsey, Robert M. T. Hunter, Lawler, Lincoln, A. Loomis, Marvin, Mercer, Naylor, Patterson, Peck, Phillips, Potts, Reed, Russell, C. Shepard, Sibley, Snyder, Stanly, Stratton, Taliaferro, Tillinghast, Underwood, Lewis Williams, Joseph L. Williams, Wise, Yorke—46.

[This decision completed the passage of the bill through both Houses.]

[NOTE.—In explanation of the part Mr. ADAMS took in the above debate, he addressed the following note to the Editors:]

*Note by Mr. Adams.*

Immediately after Mr. ADAMS concluded, Mr. CAMBRELENG moved the Committee of the Whole on the state of the Union to lay aside this bill, without taking the question upon either of the amendments proposed by Mr. LOOMIS, of New York, or by Mr. JOHNSON, of Louisiana, and to take up the general appropriation bill. This was accordingly done. That bill was debated between two and three hours, and Mr. CAMBRELENG moved it should be reported to the House. It was so reported, and the chairman [Mr. HOWARD] added that the committee had had the bill for adjusting the balances remaining due by the late deposite banks under consideration, and had come to no resolution thereon. The appropriation bill was then debated, amended, and passed in the House. Just before the House went into Committee of the Whole on the State of the Union again, Mr. SMITH, of Maine, a member of the Committee of Ways and Means, moved to discharge the Committee of the Whole from the further consideration of the bill for adjusting the balances of the banks. This movement had the effect of stifling all further debate in committee, not only on the bill, but on the amendments proposed by Mr. JOHNSON and by Mr. LOOMIS. It was made by Mr. SMITH, doubtless because Mr. CAMBRELENG was aware that, if made by him, it would have been opposed: the committee having taken no order upon the proposed amendments. The motion of Mr. SMITH, probably not understood by the House, passed without opposition. The House went again into Committee of the

## TREASURY REPORTS.

**Mr. CAMBRELENG then rose and drew the attention of the House to a very valuable work that had been published, containing all the Treasury reports on the subject of the finances, from the year 1789 to the present time, and remarked, that it would not only be very useful to be deposited in the library, but, as a statistical work, was absolutely indispensable as a book of reference. He, therefore, asked leave to submit a resolution for the purchase of three hundred copies of the said work, at a price not ex-**

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Whole on the state of the Union; reported, without debate, a bill appropriating one million six hundred thousand dollars for the suppression of Indian hostilities. The House passed it with equal expedition; and then the bill for settling the balances of the banks was called up again. Mr. JOHNSON forthwith presented his amendment, which was to strike out four, six, and nine months, the time allowed by the bill as it came from the Senate, and insert the 1st of July, 1838, the 1st of January and 1st of July, 1839, for the times of payment by the banks of their balances. This amendment was at once adopted, and Mr. CAMBRELENG instantly moved the previous question, thereby depriving Mr. LOOMIS of the opportunity of moving his amendment in the House; which amendment was, that the banks should pay interest at the rate of four per cent. per annum upon all balances remaining in deposite with them. By this series of manœuvres, the promise made by Mr. CAMBRELENG to the members of the debtor States, when the postponement bill was laboring on its passage, that if that bill should pass, a liberal indulgence would be extended to their banks, was faithfully, as to them, performed. The bill was thus driven through the House, with the time for settling the balances of the banks extended, and without even requiring interest of them for the time of defalcation. The manner in which Mr. ARPHAXED LOOMIS's amendment was *extruded* from the consideration of the House was peculiarly remarkable. The bill soon came back from the Senate, agreeing to the amendment of the House, (extending the time for settlement,) with an amendment, as follows:

"And the default mentioned in this act, on which interest is to commence at the rate of six per cent. shall be understood to be the neglect or omission of said banks, or any of them, to answer the drafts or requisitions of the Secretary of the Treasury, made on them according to the provisions of the first section of this act."

When this amendment came back to the House, it was near midnight, and there was no quorum of the House present. Mr. HOWARD, of Maryland, moved that the House should non-concur with the amendment of the Senate, with a view to a conference between the two Houses. The question was taken on Mr. HOWARD's motion, when there appeared 61 for non-concurring, and 22 against it. No quorum. Mr. THOMAS, of Maryland, observing that, as it appeared from the vote just taken, that there was a large majority of the members present, and a majority of a quorum for non-concurring with the amendment of the Senate, a vote should now be taken, and if a majority of a quorum should vote for non-concurrence, it should be considered as a vote of the House, and it would leave this question just where it was before many of the members had withdrawn from the House.

To this Mr. ADAMS objected; and, at one o'clock, Sunday morning, moved to adjourn, which a majority of the members present refused. The same motion was afterwards made by another member, and the question being taken by yeas and nays, there appeared 38 for, and 50 against adjournment.

A call of the House was moved, but it was apparent that in less than four hours a quorum could not have been collected; and, at a quarter before two in the morning, the House adjourned to meet again at eight o'clock Monday morning.

At that time the rules prescribing the order of business were suspended at the motion of Mr. CAMBRELENG. The House took up the amendment of the Senate; and instead of the question moved by Mr. HOWARD on Saturday night, that the House should non-concur with that amendment, and upon which the vote had stood 61 to 22, and upon which Mr. THOMAS had urged that a majority of a quorum had voted to non-concur—instead of this, the motion now substituted was to concur with the amendment of the Senate.

Mr. ADAMS repeated his objections to the bill; to the promise made by the chairman of the Committee of Ways and Means, on the 29th of September, at the passage of the deposite postponement bill, that further indulgence should be extended to the delinquent banks, if the postponement bill should pass; and to the indecent manner, as he thought, in which that promise was performed by the proceedings on Saturday night. While making these objections, Mr. A. was repeatedly called to order by the chairman of the Committee of Ways and Means, for referring to what had passed in Committee of the Whole, and the SPEAKER twice decided that the deposite postponement bill, not being now before the House, could not be discussed at this time. Two members from the debtor States, Mr. GARLAND, of Louisiana, and Mr. CHAPMAN, of Alabama, called upon Mr. ADAMS to say whether, by charging the chairman of the Committee of Ways and Means with a bargain of further indulgence to the delinquent banks, he meant to allude to them. Mr. A. disclaimed all intention of alluding to any individual. He considered the promise of the chairman of the Committee of Ways and Means as a pledge given to the members of the debtor States to purchase their votes for the postponement bill; and the transactions of Saturday night as a redemption of that pledge. Mr. GARLAND earnestly entreated the House to permit him to answer what he considered as a most unjustifiable attack of Mr. ADAMS upon the members from Louisiana, but the House, that is, the majority, would not listen to him. Nothing was more remote from Mr. A.'s intentions than an attack upon the members from Louisiana, both of whom he highly and sincerely respects and esteems. He deeply regretted that the House refused to hear Mr. GARLAND, not only because it was Mr. GARLAND's desire to be heard, but because he knew that if the House would hear him, it would give Mr. A. the right and the opportunity, in reply, to unfold, at full length, the two transactions of the evenings of the 29th of September, and of the 14th of October—of the pledge given, and the pledge redeemed. These were memorable days in the history of this country, and chiefly memorable as characteristic examples of the means to be used by this incipient administration to influence legislative action. The States, by Executive agency, had already been divided into two classes, of debtor and creditor, and now the creditor States were to be deprived of their fourth instalment by the votes of the members from the debtor States.

The debate of the 29th September has never been fully reported. The speeches of Mr. DAWSON, of Georgia, and of Mr. SAMSON MASON, of Ohio, signalizing the bargain at the very moment when it was concluded in the face of the House, have been suppressed.

The bill to postpone, till further order of Congress, that is, forever, the fourth instalment of the deposite, as it came from the Senate, had been forced to the third reading by a vote of 119 to 117. This vote had been reconsidered at the motion of Mr. PICKENS, of South Carolina, to let in an amendment proposed by him, limiting the postponement to the 1st of January, 1839, which was found indispensable to secure the passage of the bill. It had then, by the application of the previous question, been again forced to the third reading by the meager majority of 118 to 106 votes.

Mr. GARLAND, of Louisiana, then moved that the further consideration of that bill should be postponed to the ensuing Tuesday, to take up, in the meantime, and pass the bill for adjusting the balances with the delinquent banks, on the avowed plea that the bill ought not to be permitted to pass till the banks of the debtor States should have the pledge of a longer indulgence of time than they would have by the settlement bill, as it had come from the Senate.

Mr. CAMBRELENG opposed the motion of Mr. GARLAND to postpone the postponement bill, but gave the pledge, for himself, to deal as generously with those banks as circumstances would admit; for, though no friend to the banks, yet he was willing to afford them every indulgence for the sake of the people who were indebted to them.

So says the report of his remarks in the Globe, very prudently condensing in a few words what was much more largely said in the House. The Globe adds: "Mr. DAWSON and Mr. MASON, of Ohio, designated this as a bargain between the two gentlemen," and made some strictures thereon, and then again very prudently suppresses those strictures.

Mr. DAWSON and Mr. MASON did not designate it as a bargain between the two gentlemen. They designated it as a bargain tendered by the chairman of the Committee of Ways and Means to the members from the States of the most deeply indebted banks, of longer indulgence of time to those banks as an equivalent for the votes of those members to postpone the payment of the fourth instalment to the creditor States.

That this was the phenomenon designated by Mr. DAWSON and Mr. MASON; and that it was the bargain actually concluded, any one may perceive who will read the remarks of Mr. GHOLSON, of Mississippi, which are reported at full length, and very correctly, in the Globe. No one can doubt of the bargain, after reading them.

But the consummation of the bargain was accomplished on Saturday evening, the 14th of October. The deposite postponement bill had been sledge-hammered through the House, by the previous question and the votes of members from the debtor States, on the 29th of September. The promised equivalent of every indulgence to the debtor State banks was to be granted on the 14th of October; and it was done. The dexterous discharge of the Committee of the Whole on the state of the Union from the consideration of the bank settlement bill, while the amendments of Mr. JOHNSON, of Louisiana, and of Mr. LOOMIS, of New York, were pending; the adroitness with which the amendment of Mr. JOHNSON, of Louisiana, was then squeezed into the House, and the instantaneous start of the previous question, to cut off the amendment proposed by Mr. LOOMIS, of New York, were exemplary specimens of legislative legerdemain. And, although the final amendment of the Senate somewhat discomposed the desperate fidelity of the chairman of the Committee of Ways and Means to the redemption of his pledge, yet that untoward event was not fairly imputable to him. If he could have kept a quorum together on Saturday night, he would have non-concurred the amendment, and then, at a conference, the Senate would have receded from it. But Monday morning it was too late. If he had non-concurred then, his quorum might have chanced to slip from under him while he was holding his conference with the Senate, and so he was obliged to call upon his majority of a quorum to toe the mark again. Right about face, and vote to concur in that amendment, which on Saturday night they had stubbornly voted to non-concur.

If the chairman of the Committee of Ways and Means could get over his aversion to a discussion upon nouns, pronouns, verbs and adverbs, he might find an edifying text for a lecture upon the literary composition of statute law, in his act for the adjustment of the bank balances, as it now stands among the rolls of the Department of State, signed by the Vice President of the United States and President of the Senate, and by the Speaker of the House of Representatives, and approved by the President of the United States. Besides the absurdity in the first section, pointed out by Mr. A., of providing a relief for delinquent banks, by an exclusive application of it to banks not delinquent; banks which have met and shall hereafter meet all the requisitions of the Department: besides this, the last amendment of the Senate has got stowed away in a wrong place. It should have been added to the end of the bill, for it evidently refers to the last clause of the bill; but as it was presented by the Senate as an amendment to an amendment of the House, inserted in the body of the bill, the engrossing clerks seem to have thought that an amendment to an amendment must hold its location with the amendment itself, and could not be trans-

ceeding the usual rates paid for congressional documents ordered by the House.

The resolution having been received,

Mr. WHITTLESEY, of Ohio, objected to it as incurring an expense without due consideration. A proposition of this kind ought to undergo the revision either of the Committee of Accounts or the Committee on the Library.

Mr. CAMBRELENG replied that it had met the approbation of the chairman of the Committee on the Library, [Mr. PATTON,] who would have submitted the resolution, if he had been in the House, and had also been approved of by another member of that committee then present, [Mr. LINCOLN,] and likewise by the absent member, [Mr. CRARY.]

Mr. WHITTLESEY wished to see the work first before he would consent to its purchase.

Mr. CAMBRELENG replied, that it was the only work he had seen confined exclusively to the Treasury reports. In fact, none of them had ever been published.

Mr. LINCOLN expressed his readiness to vote for the purchase of this work.

Mr. HARLAN moved to lay the resolution on the table; which was agreed to.

## CUSTODY OF PUBLIC MONEYS.

Mr. ROBERTSON submitted a plan for the receipt, custody, and disbursement of the public moneys, which he propo es hereafter to submit; and on his motion it was ordered to be printed.

## ALTERATION OF THE HALL.

Mr. WILLIAMS, of North Carolina, asked leave to introduce the following resolution:

*Resolved*, That the Clerk of the House be instructed, with the aid of the Commissioner of Public Buildings, to cause the chair of the Speaker and the seats of the members to be restored to their former position in the hall.

Several members objected to the introduction of the resolution, when

Mr. MERCER moved to suspend the rules so as to introduce the same.

The motion was disagreed to, two-thirds not rising in its favor.

## ADJOURNMENT.

The resolution which had been received from the Senate a few minutes before, for the appointment of a joint committee to wait on the President of the United States, and inform him that, unless he had other communications to make to Congress, the two Houses were about to close the present session by an adjournment, was now taken up and agreed to, and

Mr. THOMAS, of Maryland, Mr. POPE, of Kentucky, and Mr. TAYLOR, of New York, were appointed of the committee on the part of the House.

## PROPOSED AMENDMENTS TO THE SUB-TREASURY BILL.

Mr. LEWIS, of Alabama, asked and obtained leave to lay on the table the following amendment, which he wished to have moved to the sub-Treasury bill. It was also ordered, on his motion, to be printed:

In the 3d section strike out all after the word "office," in the fifth line, to the words "ten thousand dollars," in the ninth line, and insert the following:

"All such excess shall be deposited, without delay, to the credit of the Treasurer of the United States, in a bank or banks most conveniently situated, that may be selected by the Secretary of the Treasury, on condition that the said bank or banks are not to use or employ the said deposites as a fund for discount, nor mingle the same with the proper funds of the banks; and that they shall also give receipts or certificates for the sum thus specifically deposited, to return the same when required; and it shall be the duty of the Secretary of the Treasury, in making his selection, to give preference to such bank or banks as may at the time be the depository of the funds of the State,

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posed. This may be a good general rule, but this case manifestly required an exception. The amendment, as it stands in the act, precedes a clause which it was undoubtedly intended to follow; and the whole section looks like a broken pane of glass, repaired by thrusting it into a worsted stocking. The whole act, taken together, forms a fine specimen of the figure of rhetoric commonly called Galimatias. It will puzzle the philological science of the Secretary of the Treasury himself to give it an operative rational construction. Whatever construction he may give to it, if it should ever have to pass through the ordeal of a judicial grammatical investigation, the strongest argument of the Secretary for construing it into a relief law will be to address the judges in the words of the poet—

"Be to its faults a little blind,
Be to its virtues very kind,
Let all its ways be unconfin'd,
And clap the padlock—on the mind."

The report of the proceedings of the House of Representatives, on the morning of the 16th of October, in the National Intelligencer of the 18th October, is as correct as could be expected in the hurry and confusion which always attend the close of a session of Congress. There are in it, however, several mistakes, which it is necessary should be corrected. Mr. A. did not charge the chairman of the Committee of Ways and Means with consummating a bargain with certain gentlemen from Louisiana. This mistake becomes more aggravated by the report which represents Mr. CHAPMAN, of Alabama, as saying "I am the only other member from Louisiana." Mr. RICE GARLAND erroneously supposed that Mr. A's charge applied to the members from Louisiana, and especially to himself, because he was the member who, at the third reading of the deposite postponement bill, had moved to lay it aside until the bank settlement bill should be taken up and passed with a lengthened indulgence of time to the delinquent banks. This was the occasion of the memorable pledge of every indulgence to the delinquent banks, given by the chairman of Ways and Means—then signalized by Mr. DAWSON, and Mr. MASON, of Ohio—and re deemed on the evening of the 14th of October. But the bargain was not with "certain gentlemen from Louisiana," for Mr. H. JOHNSON voted against the deposite postponement bill, and Mr. GARLAND did not vote upon it at all. Neither was the bargain with Mr. CHAPMAN, who, though he voted for the deposite postponement bill, disapproved, and, it is believed, voted against the bank settlement bill. The appliance of the promise of every indulgence to the delinquent banks was to all the members from the debtor States. Their banks were the only banks that needed indulgence. The fourth instalment was not to be withheld from them. They had it already, and three times as much more of the public moneys, which should have been paid to the creditor States, and which could be withheld from them only by postponing the payment of the fourth instalment.

A third mistake in the report is that which represents Mr. A. as saying that the bargain was pointed out at the time when it took place by a gentleman from Missouri. It was by a member from Ohio, Mr. SAMSON MASON.

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The following is a copy of the act as it finally passed, with the words in the first section upon which Mr. A commented, printed in italics; and with the amendment of the Senate to the amendment of the House, in the second section, also printed in italics, and enclosed within brackets:

AN ACT for adjusting the remaining claims upon the late deposite banks.

*Be it enacted*, &c., That the Secretary of the Treasury be, and he is hereby, authorized to continue to withdraw the public moneys now remaining in any of the former deposite banks, in a manner as gradual and convenient to the institutions as shall be consistent with the pecuniary wants of the Government and the safety of the funds thus to be drawn; and that no further interest than that required by the deposite act of the twenty-third of June, one thousand eight hundred and thirty-six, under which those deposites were made, shall be demanded of any bank which *has met, and shall hereafter meet*, the requisitions of the Department. This provision shall also extend to such public moneys as may remain in any of the said banks, whether standing to the credit of the Treasurer of the United States, or of any disbursing or other public officer of the Government.

Sec. 2. *And be it further enacted*, That in case of neglect or refusal by any of the said banks to comply with the requisitions of the Secretary of the Treasury, as he shall make them, in conformity with the first section of this act, suits shall be instituted, where that has not already been done, to recover the amounts due to the United States, unless the defaulting banks shall forthwith cause to be executed and delivered to the Secretary of the Treasury, a bond, with security to be approved by the Solicitor of the Treasury, to pay to the United States the whole moneys due from it in three instalments. The first to be paid on the first day of July next, the second on the first day of January, eighteen hundred and thirty-nine, and the remaining instalment on the first day of July, eighteen hundred and thirty nine; [*and the default mentioned in this act, on which interest is to commence at the rate of six per cent. shall be understood to be the neglect or omission of said banks, or any of them, to answer the drafts or requisitions of the Secretary of the Treasury, made on them according to the provisions of the first section of this act;*] and interest thereon at the rate of six per centum per annum, from the time of default, together with any damages which may have accrued to the United States from protests of drafts drawn upon it, or from any other consequence of its failure to fulfil its obligations to the public Treasury.

Territory, or District, in which they are situated; and, in case there be no bank willing to receive the public money on the terms aforesaid, the excess aforesaid shall be transferred to some other depository that may be designated by the Secretary of the Treasury: *Provided, always,* That the disbursing warrants of the Treasurer shall be drawn on the public depository provided for in the first section of this act; and, in case of a deficit of funds to meet the same, he or they shall draw upon the funds specifically deposited by him or them in bank to meet the same, under such regulations as the Secretary of the Treasury may prescribe."

Mr. PALMER, of New York, asked and obtained leave to lay on the table and have printed the following amendment to the sub-Treasury bill, which he gave notice he would move when that subject should come before the House at the next session of Congress:

Sec. 11. *And be it further enacted,* That in places where the amounts ordinarily held in deposite at one time shall exceed the sum of fifty thousand dollars, it shall be lawful for the Secretary of the Treasury, whenever, in his opinion, the public interests will be promoted thereby, to employ, under the direction of the President of the United States, one or more of the State banks as public depositories, instead of the depositories provided for by this act: *Provided,* That the public funds shall be placed therein in special deposite; and the duties of receiving, keeping, and disbursing the same, and all other duties required by this act, to be rendered by the officers of said banks, for such compensation as may be agreed upon by and between the Secretary of the Treasury and said banks; and said banks, and the officers and clerks thereof, under whose charge the same may be, shall be under like restraints from loaning or using the same, and subject to like penalties for violations therefor as are provided for in the first and ninth sections of this act.

Mr. THOMAS having reported that the committee appointed for the purpose had waited on the President of the United States, and received for answer to their message to him that he had no further communication to make,

The House adjourned until the first Monday in December next, the day fixed by the constitution of the United States for the annual meeting of Congress.

## SUPPLEMENTAL SPEECHES.

SEPTEMBER 27, 1837.

### MISSISSIPPI CONTESTED ELECTION.

The following resolution, reported by the Committee on Elections, declaring the sitting members from Mississippi to be entitled to their seats, came up in order for consideration, viz:

"*Resolved,* That SAMUEL J. GHOLSON and JOHN F. H. CLAIBORNE are duly elected members of the 25th Congress, and, as such, are entitled to take their seats."

Mr. MAURY addressed the House as follows:

Mr. Speaker: I feel it due to myself—to my peculiar position as a member of the Committee of Elections, and as dissenting from the report and resolution submitted by its chairman on behalf of a majority of that committee—to state the conclusions to which my mind has arrived in relation to the question now pending before the House, and the reasons on which those conclusions are founded. Considering it a question purely judicial in its character, I have not, if I know myself, been influenced, in the judgment which I have formed on it, by personal or party considerations; and I shall endeavor to place it, where alone it should stand, on the high ground of constitutional law.

We are called upon to inquire whether the sitting members from the State of Mississippi are rightfully entitled to seats on this floor, as Representatives of that State? To enable us to decide this question correctly, a brief statement of the facts connected with it is necessary.

By the laws of Mississippi, the first Monday and following day in November of every alternate year, succeeding the dissolution of each Congress, is the time fixed upon for holding elections for Representatives from that State. An extra session, however, having been convened by the President, to assemble two months in advance of the time thus prescribed, writs were issued by the Governor of the State, directing an election to be held for Representatives at a given period in July last. The writ contained a provision limiting the term of service of the persons to be elected under it, to such time as they should be superseded by Representatives to be chosen in November next. In point of fact, the election was held; and it appears from a printed statement, authenticated by the Secretary of State of Mississippi, which was referred to the committee, that the sitting members received a majority of the votes polled.

At the instance of those gentlemen, an inquiry is now instituted into the validity of their title to seats in this House, and into the duration of their term of service. They claim to be members for the entire term of the 25th Congress, and the resolution before the House, sustaining them in that claim, affirms the right of the Governor to issue the writ, but rejects the limitation on the term of service contained in it as surplusage.

The question arises, was there such a vacancy in the representation of Mississippi as to authorize the Governor of that State to issue writs of election to fill such vacancy? The answer to this inquiry involves questions of constitutional and legal resort. The constitution of the United States provides that Representatives shall be chosen—chosen every second year—chosen by the electors qualified to vote for the most numerous branch of the State Legislatures—chosen at such times, at such places, and in such manner, as the Legislatures of the respective States may prescribe. Here is an injunction positive, express, and imperative, on the State Legislatures. They are made the agents of the constitution to perform this specific duty. As agents they cannot, by special enactment even, transfer this power to a sub-agent; much less will their omission to exercise it operate any such transfer. The constitution presumes that each agent to whom particular trusts are assigned, will execute those trusts in a spirit which dictated their assignment. On this presumption hinges the continued and harmonious action of our complex system of government. The motion of its entire machinery is dependent on the motion, in their prescribed spheres, of its particular parts. It is admitted by the Federalist, a work second in authority only to the constitution itself, that the State Legislatures, or a majority of them, may virtually dissolve the Union, by refusing to elect Senators to Congress. In like manner could dissolution be effected by their refusal to pass laws regulating elections to this body, but that a contingent and paramount power is vested in Congress, to provide against such refusal. "The times, places, and manner," says the constitution, "of choosing Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations." The Legislatures, being themselves the electors of Senators, may refuse to choose them, and there is no penal sanction

known to the constitution to enforce compliance with this particular duty; but they cannot prevent the people from acting in conformity with the regulations which Congress may prescribe in regard to the election of Representatives. The power, then, of preserving the integrity of the Union, so far at least as the continued existence of this House may be necessary to that object, on the failure to act of the State Legislatures, is delegated to Congress, and to Congress alone. It is beyond the competency of the Governor of a State, by writ, or of this House, by a simple vote or resolution, to exercise any such power.

The question next arises, has the Legislature of Mississippi discharged its constitutional duty? Has that body fixed upon "the times, places, and manner of holding elections for Representatives" to Congress? It will be admitted on all hands that it has. But as Congress was convened to assemble in September, and as the November following was the time fixed upon by law for choosing Representatives, the Governor saw that, as things then stood, Mississippi would remain for several months unrepresented on this floor. He felt himself called upon to act in some mode. But as he had sworn to support the constitution of the United States and the laws of Mississippi made in pursuance thereof, and as the law of Mississippi regulating elections was not only made in pursuance of the constitution, but in obedience to its express and imperative mandates, he was bound by the obligation of his oath of office to conform to its requisitions. He deemed it beyond his competency to alter the regulations established by law, to order an election for Representatives whose term of service would extend beyond the period fixed upon by statute for that purpose. He did not hold to the doctrine—he repudiated it in practice—that, as Chief Magistrate of the State, he could nullify, by proclamation or otherwise, a law of the State. Hence originated the limitation in his writ. But, in endeavoring to steer clear of one constitutional difficulty, he has encountered another not less irremovable. The very necessity of limiting the writ, imposed by his obligation to conform to a constitutional law, ought to have induced him to question his right of issuing the writ itself. Due reflection, I think, would have convinced him that the fractional part of a term, commencing either at the beginning, or at any intermediate point, could not be filled consistently with the constitution, unless the incumbency extended to the conclusion of the term; which it could not have done in the present instance, without coming in contact with the law. The tenure of office being fixed in the constitution, and provision made for filling vacancies, the term of a Representative, no matter at what point commencing, ends at the same common goal.

But it may be asked, what should the Governor have done? Was Mississippi to be deprived of her right of being represented in this body, by mere technical objections? By no means. An obvious remedy was at hand. By exerting his power of convocation, he could have referred the whole matter to an extraordinary session of the Legislature, convened for the special purpose of amending the election law of the State. Ample time to have done so was afforded him, between May, the date of the President's proclamation, and September, the designated period of commencement of the present session; so that necessity, the tyrant's plea, cannot be availed of in this instance. With equal justice the same plea—reason I will not call it—might have been urged by the President against convening the extra session itself, and in favor of the usurpation by him of the powers of legislation.

I have already expressed the opinion, Mr. Speaker, that in the present case, the Governor of Mississippi had no authority to issue writs, with or without limitation. I here distinctly reassert that proposition. The clause of the constitution relied upon by those who hold adversely is the following: "When vacancies happen in the representation from a State, the executive authority thereof shall issue writs of election to fill such vacancies."

This clause is to be interpreted according to its letter and its spirit, and in reference to its context. The essence of a just construction consists in the harmonious combination, and tendency to the same conclusion, of these three principles. The plain sense and meaning of the words employed, is the letter of the clause. The object to be accomplished, the mischief to be averted or remedied, is its spirit. Its context should be consulted for the purpose of reconciling and conforming its construction as well to what follows, as to what precedes it, in the same instrument. Let us apply these rules of construction to the clause under consideration.

And first as to its letter: "When vacancies happen." Of vacancies, I will premise, there are two kinds, periodical and casual. A periodical vacancy is one created by the constitution, or by laws made in pursuance thereof. It is caused by the foreseen and foreknown efflux of time—by the expiration of a pre-ordained term of service. This is a vacancy, which, capable of being foreseen, can be provided against by law. The other is a vacancy which "happens"—which is the result of accident—which unexpectedly occurs—which, in short, is occasioned by death, resignation, expulsion, or other casualty. To provide, temporarily, for filling vacancies of the latter kind, is of the resort of the executive department of a State government.

But the vacancies must not only happen, but "happen in the representation from a State." Representation means representatives of a collective body. It necessarily supposes, therefore, a pre-existing body. In the composition of representation, representatives are essential elements. There must be representatives from a State, before there can be a vacancy in its representation; and a vacancy must happen in its representation, before "the executive authority thereof can issue writs of election to fill such vacancy."

Having said thus much in relation to the letter, I will now address myself to the spirit of the clause in question. In constituting a legislative body for the Union, the convention ordained that it should consist of a Senate and House of Representatives. It was intended that the Senate should constitute the federative, and this House the representative, feature of the new Government. That the members of the Senate should be the exponents of the will of the States in their capacity of States, without regard to population. And that this House should be a homogeneous body, consisting of an equal and uniform representation of the people of the States, having numbers for its basis. The convention, therefore, keeping these objects in view, provided that Senators should be chosen by the State Legislatures, and Representatives by the people of the States, at such times and places, and in such manner as the Legislatures thereof might prescribe. And in order to guard effectually against the possible omission or refusal of the State Legislatures to discharge the duties thus enjoined, an ultimate and paramount jurisdiction was conferred on Congress, to make the necessary regulations contingent on such neglect or refusal. If it had been, and been known to be, by the convention, that members of Congress would be beyond the reach of accident—that they could neither die nor resign, nor be removed by any other casualty—that vacancies, other than those caused by lapse of time, could not exist in either House of Congress, would the power of filling them in the first instance, or of providing for their being filled in the other, have been lodged elsewhere than with the State Legislatures? No necessity would have existed, of providing against vacancies that could not happen. The convention knew, however, that membership carried with it no talismanic exemption from the common accidents of humanity, and that vacancies might and would happen, pending the ses-

sion of Congress, and during the recess of the State Legislatures. It was, therefore, wisely ordained that the Governor should hold in his hands a provisional remedy; to be exercised, however, in strict subordination to the laws of the States.

But it may be said that the mischief intended to be remedied was the prevention of vacancies, however occasioned; whether by lapse of time, or by casualty; whether by the neglect of the Legislature to create a representation, or by a vacancy happening in the representation when created. To which I reply, that such could not be the fact in relation to periodical vacancies; because, 1st. It is contrary, as I have shown, to the plain import of the words employed in conferring the power. 2d. Because two remedies had already been provided against periodical vacancies, viz: the legislative authority of the States, and, ultimately, of Congress. And, 3d. Because the mode of exercising the jurisdiction thus conferred was left, exclusively, to the discretion of those bodies. I reply, further, that the Governor, even conceding him the power, could not exercise it in derogation of an existing law of the State, or of the General Government. The delegation of the power to the State Legislatures and to Congress is express and unequivocal—to the Governor, at best, implied and doubtful; and when an express power comes in contact with an implied one, no doubt can arise as to which should yield.

I infer, moreover, that the construction for which I contend is the true one, because it was the evident intention of the convention to commit the regulation of elections to the guardianship of law: in order that the times, places, and manner of them might be so arranged as to insure notoriety, and to consult the convenience and conform to the habits of the constituent body. Whereas the power, if confided to executive discretion, might be exercised capriciously and oppressively, and perverted to sinister political purposes, by giving short and inadequate notices as to "the times," by making inconvenient selections of "the places," and by substituting, for the accustomed "manner," some new and unusual device, foreign to the habitudes of the people.

But it is, likewise, a sound and established rule of construction, that each clause of an instrument should be interpreted in reference to its context. So that, while full energy is imparted to the power conferred by a particular clause, it may be exerted without encroachment on, or collision with, the powers elsewhere vested by the remaining clauses. The construction for which I contend, in the present instance, is in strict conformity with this rule. Establish it, and no collision can possibly arise between the legislative and executive departments of a State Government. Harmony will be "the full effect and joint result of all." The Legislature will have discharged its duty of prescribing the times, places, and manner of holding the election. A representation will, thereby, have been created, and a vacancy have happened in that representation. The Governor, therefore, in issuing writs to fill such vacancies, cannot interfere with the law, because an election will have been held in conformity with the law, and the time of holding the election, as prescribed by law, will have passed away.

The contrary construction tends to produce conflict and collision between the legislative and executive authorities of a State. It affirms that the jurisdiction of the Governor is original and paramount, not contingent and subordinate, to the legislative authority. It makes an edict of the Executive more authoritative and potential than a positive enactment of law. For if it be within the pale of his powers to provide for filling periodical vacancies, it is his imperative duty to do so—for "*shall*" is the language of the constitution—whenever a vacancy exists. Let us examine into the practical effects of this doctrine. Vacancies of this kind exist in many of the States of this Union, during several months succeeding the expiration of every congressional term. It would follow, then, that the Governor not only had the power, but was in duty bound, whenever such vacancies occurred, to suspend the law of the State, and substitute a regulation of his own in its stead. But if, under ordinary circumstances, he were to advance a pretension so absurd, and attempt to carry it out in practice, he would be deemed more worthy of being endued in a strait jacket, than of being clothed with the chief executive authority of a sovereign State. And yet of this absurdity must he be convicted, who contends for the jurisdiction of the Governor over cases of periodical vacancy!

In the interpretation which I have given of the clause under consideration, I wish it to be distinctly remarked that I do not rely only, or mainly, on the philological signification of the word "happen," or of any other word isolated and torn from its context; but upon the plain sense and meaning of the entire clause, giving due force and effect to its governing and restraining members, and taken in connexion with other provisions of the constitution, to which it is subordinate, and of which it is the temporary and contingent substitute.

The construction for which I contend is in conformity with contemporaneous expositions made of it in the State conventions by which the constitution was ratified, and with the uniform practice of the State Governments, under that instrument, from the date of its adoption to the present time. The annals of our past history will be ransacked in vain for a precedent showing that the Governor of a State has ever directed an election to be held for filling a periodical vacancy in this House; much less of exercising such a power in abrogation of a constitutional law of the State.

[Here Mr. MAURY referred to, and commented on, several cases which happened in the Senate, in which the construction contended for by him was distinctly recognised.]

But it may be said that, in the case before us, the vacancy was created by the act of the President in convening Congress, and that that was a casualty which could not have been foreseen and provided against; inasmuch as the President himself, if we are to credit his own avouchment, did not anticipate it eight days before it happened. To which I reply that the vacancy commenced to exist on the 4th of March last, three months anterior to the date of the proclamation. The constitution limits the term of service of Representatives to two years. Congress having assembled, for the first time, on the 4th of March, 1789, the official existence of the members of its representative branch, expires on the same day of every alternate consecutive year. The vacancy, therefore, commences on the 4th of March succeeding the dissolution of every Congress.

But even conceding to the State Executives the power of providing, by writ, for the filling of periodical vacancies, still it cannot be exercised in derogation of an existing statute, passed by the Legislature of a State, regulating elections. A statute thus enacted becomes part and parcel of the constitutional provision commanding its enactment. While unrepealed, it is quite as obligatory, it is as much the law of the land, as the constitution itself. Yet the construction contended for, in the present instance, involves the absurdity of supposing that the Governor of Mississippi could, through the mere instrumentality of writs of election, annul and abrogate a law of that State, the constitutionality of which stands unquestioned and unquestionable! or rather that this House can, by construction, and assumed legal intendment, impart to the Governor's writ this potential efficacy: for the Governor himself, on grounds however erroneous, has endeavored to conform his writ to the requisitions of the law.

I have thus attempted to prove, and I think succeeded in proving—

1st. That it is made imperative upon the State Legislatures to pass laws regulating elections for Representatives to Congress.

2d. That in the event of the failure, on the part of those bodies, to discharge this duty, or so to discharge it as to accomplish the object intended, authority is vested, not in the executive department of a State, but in Congress, "to make or alter such regulations."

3d. That the rightful jurisdiction of the Governor of a State extends to cases only where vacancies happen in the representation created by law.

4th. That even admitting his jurisdiction to extend to all cases of vacancy, periodical or otherwise, he cannot exercise it in contravention of law.

And, 5th. That the Legislature of Mississippi having discharged its constitutional duty, the Governor of that State could not, by writ, nor can this House, by resolution, suspend or annul one iota of its provisions.

These positions having been established, the inference is irresistible, that the sitting members are not duly elected members of this House.

But, Mr. Speaker, should we pass the resolution now under consideration, what will be the consequences? The sheriffs in the respective counties of Mississippi are sworn to execute the laws of that State. One of those laws provides that an election for Representatives to this body shall be held in November next. They will be bound to hold it by the obligation of their oaths of office. Suppose that, at the election thus to be held, Representatives other than the sitting members shall be chosen; and that, at the next regular session in December, they should present themselves before us, holding in one hand credentials conforming in every respect to the forms prescribed by law, and in the other the constitution of the United States, and the law of Mississippi regulating elections made in pursuance thereof, and demand admission on this floor as the rightful Representatives of the people of that State: Will you, can you, refuse them? If you do, sir, I venture to predict that the act of refusal will be without sequel, as it is without precedent; that it will stand out, in all time to come, isolated and alone, a beacon of avoidance, not an example for imitation.

In conclusion, Mr. Speaker, I offer the following amendment to the resolution reported on behalf of a majority of the committee:

Strike out all after the word "Resolved," and insert, "That Messrs. Claiborne and Gholson, not having been duly elected members of the House of Representatives for the 25th Congress, from the State of Mississippi, are not entitled to seats upon this floor as such."

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October 3, 1837.

*Substance of Mr.* Slade's *remarks in the House of Representatives of the United States, on the Mississippi contested election.*

The question in this case is presented for discussion upon the following state of facts. The term of office of the members in the 24th Congress from the State of Mississippi, expired on the 3d of March last. The standing law of that State, "regulating elections," provides that the Representatives to Congress shall be elected on the first Monday and day following in November biennially, commencing with the year 1833. Vacancies, therefore, existed in the representation from the State of Mississippi, commencing on the 4th of March last, which could not be filled, under the election law of that State, until the day following the first Monday of November next. The President having, in the meantime, called an extra session of Congress, to be holden before the first Monday of November, the Governor of Mississippi, for the purpose of filling the vacancies, and securing a representation of that State in Congress at the extra session, issued, on the 13th of June last, writs of election, reciting the call of the extra session, and the fact of the vacancies, and requiring the sheriffs of the several counties to hold elections on the 3d Monday and day following in July, "for two representatives to Congress to fill said vacancy, until superseded by the members to be elected at the next regular election on the first Monday and day following in November." The election was holden in pursuance of the writs thus issued, and thereupon the sitting members [Messrs. Claiborne and Gholson] were elected. This election having been submitted to the Committee of Elections, they have reported the following resolution:

"*Resolved*, That Samuel J. Gholson and John F. H. Claiborne are elected members to the 25th Congress, and as such are entitled to their seats."

Under this report, Messrs. Gholson and Claiborne claim seats in this body, not merely until the day following the first Monday of November next, but for the whole duration of the Congress, terminating on the 3d of March, 1839. On the other hand, it is contended that there has been *no* election agreeably to the constitution of the United States, and that the returned members are not entitled to seats for any portion of the duration of the 25th Congress.

I do not (said Mr. S.) agree to either of these positions. I believe that the returned members have been duly elected; not, however, for the entire duration of the 25th Congress, but until the day following the first Monday of November next, that being, as I think, the termination of the vacancies which commenced on the 4th of March last.

Those who maintain that there has been *no* legal election, do it mainly on the ground that the case does not come within that clause of the constitution of the United States which provides for the filling of vacancies in the representation in Congress, inasmuch as that provides that, "when vacancies *happen* in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies." It is contended that the vacancies in this case have not "*happened*." It is admitted that there were "vacancies," but that, having occurred in consequence of the regular expiration of a congressional term, they did not "*happen*" within the meaning of the constitution, and therefore could not be filled under the clause of the constitution authorizing the filling of vacancies.

In seeking for a just construction of this clause of the constitution, it is proper to inquire what was the object of it. Manifestly it was to secure a full representation of the people. A continued vacancy was the evil to be avoided. The manner in which it should take place, was, from the nature of the case, an incidental and subordinate consideration. The filling of the vacancy was the great object; and when the framers of the constitution undertook to make provision for it, the manner in which the vacancy should occur is not to be presumed to have entered distinctly into their contemplation. If *that* had been deemed material, and so material as that the great question whether a vacancy was or was not to be filled, and the people were or were not to be represented in this body, was to depend entirely upon the manner in which the vacany occurred, it is incredible that more explicit language than the word *happen* should not have been used. If the distinction now contended for had entered into the conceptions of the framers of the constitution, it would have been indicated by appropriate language, such as "when vacancies happen *by death, resignation, or other unforeseen occurrence.*" Neither these, however, nor any other qualifying terms were employed; but a general and familiar term was used without qualification—a term which may, indeed, mean the occurrence of an event by chance, or the intervention of some

unforeseen cause, when the connexion evidently suggests such a meaning, but which, in its general and popular use, does not necessarily bear such a signification.

To show, however, that such *must* be its meaning, the authority of lexicographers has been introduced. We were last evening furnished by the gentleman from Ohio, [Mr. MASON,] with a definition from Johnson, favoring the signification contended for. But, sir, this is a question which is not to be conclusively settled by dictionaries. There are shades of meaning to numerous words in our language, depending on the various connexions in which they are used, which no dictionaries accurately describe, but in regard to which, plain common sense will seldom be mistaken. Such is the present case. Let a man of good common sense take up the constitution of the United States, and read that "when vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies," and what will be his first impressions?—especially when he finds that this is the only provision for filling vacancies and securing to the people the full enjoyment of the great fundamental right of representation. Will he search for a restricted meaning to the word "happen," which shall manifestly defeat the great purpose of the provision in regard to a large class of cases which cannot be supposed to have been unforeseen by the framers of the constitution? Will he not rather find deeply impressed upon the whole context, the idea that *all* vacancies, however occurring, were intended to be provided for?

I admit that violence must not be done to language for the purpose of giving it a scope which shall embrace cases presumed to have been within the contemplation of those, who used it. If it clearly and undeniably means one thing, and that only, no intendment, however beneficial or necessary, must be permitted to enlarge its meaning. But is the meaning of the word happen in this case so *clearly* and *undeniably* what is contended for by the objectors to the validity of the election? Far from it. The very authority which has been quoted by the gentleman from Ohio, shows that it is not; for among the varieties of signification which it gives to the word happen, I find the following—"To fall out—to chance—*to come to pass.*" The vacancies in the present case have not, it is true, fallen out by chance—having been produced neither by death, resignation, nor any other unforeseen occurrence. But they have "come to pass" by the operation of two established laws; the one termanating the existence of the 24th Congress on the 3d of March last, and the other fixing the election in Mississippi for the succeeding Congress in November next. Surely, Mr. Speaker, the opponents of this election cannot contend that the word happen is *clearly* and *undeniably* restricted to a mere contingency; and therefore they have no right to insist on a meaning in this case which shall fail to carry out the obvious intent of the framers of the Constitution. But if the construction for which I contend were less certain; if it were doubtful whether *happen* means the one thing or the other, the argument would still be conclusive in favor of the election. How are doubts to be regarded in a case like this? Favorably, beyond all question, to the rights of the people—the great object intended to be secured by the provision in question. What is the rule in the case of a common grant? That the grantee shall have the benefit of all doubts arising upon the construction of the terms of the grant. Thus a grant of franchises from a king to his subjects would be construed liberally in favor of the subject. It is true here is no grant; but there is a reservation of right to the people for a great and valuable purpose; and all intendments should be in favor of the full and free enjoyment of this right.

I have said that the construction in cases of doubt should be such as to secure the purpose of the grant. What that purpose is has been well described, in an analogous case, by Mr. Wirt, while Attorney General of the United States. In the year 1823, the question arose whether the President could, under the authority to fill vacancies *happening* during the recess of the Senate, fill a vacancy which occurred during the session of that body, but which, not having been filled by it, remained vacant after its adjournment. Upon the submission of this question to him by the President, Mr. Wirt decided, that the vacancy *happened*, within the meaning of the constitution *during the recess of the Senate*, though originally occurring before its adjournment; and that therefore the President might properly fill it. In giving this opinion he said:

"The substantial purpose of the constitution was, to keep these offices filled; and powers adequate to this purpose were intended to be conveyed. But if the President shall not have the power to fill a vacancy thus circumstanced, the powers are inadequate to the purpose, and the substance of the constitution will be sacrificed to a dubious construction of its letter. * * * This seems to me to be the only construction of the constitution which is compatible with its spirit, reason, and purpose, while at the same time it offers no violence to its language; and these, I think, are the governing points to which all sound construction looks. The opposite construction is, perhaps, more strictly consonant with the mere letter. But it overlooks the spirit, reason, and purpose; and, like all constructions merely literal, its tendency is to defeat the substantial meaning of the instrument, and so produce the most embarrassing inconveniences."

Now, Mr. Speaker, I submit whether there is a single reason for the decision of Mr. Wirt in the case cited, which does not apply to the case before us? Is it not, in fact, more important that his construction should be adopted in this case than in that? That was the case of a vacancy in a mere collectorship. This in the representation of the people in the most important legislative assembly in the country. If it might, in that case be said, surely it may be in this, that "the opposite construction overlooks the spirit, reason, and purpose" of the constitution, and tends to "defeat the substantial meaning of the instrument."

Having thus, as I trust, shown that there was a vacancy in the representation of Mississippi which might be constitutionally filled by a special election holden under the call of "the Executive authority thereof," the question arises—what was the vacancy to be filled?

It is contended that the vacancy to be filled was the representation from the State of Mississippi for the entire term of the the 25th Congress, and therefore, although the freemen of that State were required by the Governor "to fill the vacancy until superseded by the members to be elected" in November next, yet, that the returned members were, in fact, elected for the term of two years from the 3d of March last.

What was the legal limit of the vacancy? is the question. Independent of any constitutional provision it had no limit; that is, there was an absence of all future representation from that State. But this perpetual vacancy was limited by the constitution—that instrument providing that elections of members of Congress shall take place "every second year." The same constitution, however, let it be remembered, also provides that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof." When, therefore, a State, in pursuance of this provision, prescribes the time for electing its representatives in Congress, and that time is after the occurrence of a vacancy by the expiration of a previous Congress, it manifestly becomes the limit of the vacancy, *so far as respects the power of filling it by a special election.* No other construction, it seems to me, can satisfy the plain in-

tent and meaning of the constitution. That intent evidently is, that the extraordinary instrumentality of executive writs of election shall be employed only to supply the defect of permanent law. It must therefore be used, not to supersede such law, but to supply its omissions.

The law of Mississippi, moreover, is peremptory. The elections for representatives to Congress *shall* be holden on the first Monday and day following in November, biennially, commencing with the year 1833. The law thus peremptory, evidently should not be superseded by special writs of election to be issued by the Governor, unless such effect is given to the writs by a plain and express provision of the constitution—a provision which it is not pretended exists in the case before us.

It thus seems to me manifest that the legal limit to the vacancy, *in reference to the power of filling it by special election*, was the time when the election of representatives to the 25th Congress was to take place, according to the standing law of Mississippi, made in pursuance of the same constitution under which the special election, in this case, was holden.

Such, it seems, was the view taken of the subject by the Governor of Mississippi when he restricted the time for which the vacancy was to be filled by the special election.

But this restriction, say the Committee of Elections in their report, was surplusage. "Reject this as surplusage, (say they,) then the writ is good, and the objection amounts to nothing." Suppose it be rejected as surplusage. Can this alter the legal effect of the special election? Suppose the Governor had required the freemen of Mississippi to elect two representatives to Congress without restriction. Would this have superseded all the restrictions imposed by the constitution, and the law of Mississippi, made in pursuance of it? Can the Governor of a State, by any omission or addition, give an effect to an election which the constitution and law do not give? Surely no one will contend for this. None will venture to maintain that the Governor of a State, when he has ordered an election, can, either by fraud or mistake, deprive the people of their constitutional rights in regard to it. If by "surplusage" the committee mean that the Governor's limitation was unnecessary, they mean precisely what I contend for. If they mean that it was illegal and unconstitutional, they assume what they ought to prove. And this is evidently what they do mean. "Reject it as surplusage, and the writ is good, and the objection amounts to nothing." That is, assume that, in the face of the law of Mississippi, made in pursuance of the constitution of the United States, the election for the two regular sessions of the 25th Congress was not to take place in November next, but that it might be entirely superseded by the Governor, upon the occasion of ordering a special election for a special session, and all difficulties are at once removed—the writ becomes a valid warrant for an election for the entire 25th Congress, and the objection amounts to nothing! This certainly is a very convenient and labor-saving method of disposing of a constitutional difficulty, and giving seats to two members on this floor, for a term which was entirely beyond the contemplation of the people who elected them.

Let me, Mr. Speaker, briefly suggest another argument in favor of the construction for which I contend. Eleven States of the Union have fixed the elections of their members of Congress at periods subsequent to the expiration of the Congress next previous to that for which they are to be elected; and these eleven States return 78 members to this House—about one-third of the whole number. Now what construction have they given to the clause of the constitution which makes provision for filling vacancies? They have all declared that elections *shall* take place at times subsequent to the 3d of March in the year in which the congressional term commences. They have done it in full view of the possibility that there may be, as there has been this year, a necessity for an earlier meeting of Congress, and that, therefore, seventy-eight members of Congress might be elected under special writs issued by the Governors. Nor have they made any provisions that such special elections shall supersede the operation of their standing laws. Is the construction thus practically given to the constitution by nearly half the States in the Union to be disregarded?

But the Governors of the States, it should be remembered, are not restricted in issuing their writs of election to fill vacancies, to the case of a necessity for a special session of Congress. Vacancies exist on the 4th of March, in all the States in which elections have not been previously holden, which may be forthwith filled by orders of the Governors, under the general power to order elections to fill vacancies, and who may thus obtain *special* elections for the entire Congress, although the time for its meeting should not occur till after the times *provided by law for the elections*. The power of filling vacancies, provided for in the constitution, merely for the purpose of meeting extraordinary emergencies, may thus, to gratify the caprice, or subserve the party purposes of a Governor, be made to supersede the standing election laws of a State.

It is no answer to this argument to say that the Governors would not thus abuse their power. It is enough to say that they have the power, upon the construction contended for. It is no republican doctrine that a dangerous power may be safely admitted to exist upon the presumption that it will not be abused. The security of the people's rights is not to be left to such frail safe-guards as this. I admit, indeed, that the danger of an abuse of power must be directly met where the power is clearly and undeniably conferred. But where its existence, as, in the present case, is, to say the least, doubtful, the argument from its probable abuse is to be allowed great weight against its existence.

The construction for which I contend, avoids the danger of an abuse of power by the Governor. It gives full effect to the standing election laws of those States which have provided for elections after the commencement of the congressional terms, while it supplies the want of earlier elections in all the cases in which such elections may be required to give the people a full representation in Congress at such early extra sessions as the public exigencies may require.

I have thus, Mr. Speaker, attempted to show:

That the vacancies "*happened*" on the 4th of March, in the representation from Mississippi within the meaning of the constitution.

That those vacancies were limited in their duration, not by the termination of the 25th Congress, but by the time when the election is to take place under the standing law of the State of Mississippi; and

That the returned members (Messrs. Gholson and Claiborne) have been duly elected to fill those vacancies, and are, therefore, entitled to hold their seats until an election of members, made in pursuance of the law of the State they represent.

If the construction for which I have contended is not sustained, and the returned members are admitted to seats for the entire term of the 25th Congress, it will not only be in derogation of the constitution and law, but will manifestly defeat the expectation of the people of Mississippi, who were led, as well by the constitution and law, as by the express terms of the writs of election, to regard the vacancies they were filling as terminating with the election of members to be chosen on the first Monday and day following in November, 1837, and not on the 3d day of March, 1839.

October 6, 1837.

*Sketch of the remarks of* Mr. Johnson, *of Maryland, on Mr. Underwood's amendment to the bill to limit the time for issuing Treasury notes.*

Mr. Johnson said he had expressed to the committee his reasons for offering the amendment which had been rejected, and would not repeat them. But he desired to say a few words upon the amendment offered by the gentleman from Kentucky, (Mr. Underwood.)

He had strong misgivings that this bill was the basis of a settled plan to make the issue of such notes the permanent policy of the Government—to allow the Secretary of the Treasury to issue, at his discretion, notes to be received as currency, and that the nation was to be forced into a situation to submit to it: and that many who might now be opposed to such, as the fixed policy of the Government, will be forced into a situation, that, rather than throw off party allegiance, will submit with reluctance, but in silence. He drew this inference from the fact that the committee rejected the amendment which he had offered, limiting the time for issuing the Treasury notes to two years. That decision convinced him that it is not intended as a measure of *temporary relief*, as he before remarked, but as the *fixed policy of the Government*.

Such were his views, sustained by the vote just given, and by the arguments offered by the friends of the bill. One gentleman, the chairman of the Committee of Ways and Means, [Mr. Cambreleng,] maintained that the bonds will sell above par, and the Government be dependent on the Bank of the United States. Another gentleman from New York, who advocated the bill and opposed the amendment, said that they will be sold below par. Such are the conflicting views which the opponents of the amendment entertain. How can they be reconciled? One says they will sell above, the other, below par! And the chairman of the Committee of Ways and Means tells us the Government will be in the power of the Bank of the United States, if disconnected from the bank. I should like him, or some other gentleman, entertaining similar views, to explain this operation. [Mr. Cambreleng here rose and said: If the amendment should pass, the only bidder would be the bank, and it would purchase the bonds and would keep the Treasury just as it was. Judging from what he had seen, it would afford no relief to the Treasury, and the bank would be the only purchaser in market.]

Mr. Johnson said, in reply to this statement, he was as much in the dark as he was before. He could not comprehend the force of this reasoning. All that the opponents of the amendment say is, that if you throw the stock into the market, the Bank of the United States will buy it. This argument has been fully answered by a gentleman from Virginia, [Mr. Patton.] If the bank will give more for the stock than any other bidder, why not let the bank have it? It would so far benefit the Government: the Government wants money, and has more use for the money than for the bonds. Have those gentlemen the ghost of the dead bank still before their affrighted imaginations? And will it not, like Banquo's ghost, down at their bidding? He might be cursed with mental obliquity, but he would ask, if there was a single enlightened mind in this hall, or out of it, that could be influenced by the arguments which have been urged against the amendment? How the bank can injure the Government, if it should purchase these bonds, I am at a loss to comprehend.

He was opposed to the bill, both on the grounds of its constitutionality and expediency. But had, on another occasion, thrown out his views, and would not repeat them.

The very able and eloquent gentleman from South Carolina [Mr. Legare] has told us, said Mr. J., that the Government has power to issue notes for a bona fide purpose, and with a bona fide intention to redeem them. I must confess there is much obscurity in this argument, and still greater to my mind in its application. This may not be the fault of the argument, but in my faculty of comprehension. What can be meant by a bona fide purpose? The gentleman admits that Government has no power to issue paper unless prepared to redeem it in specie. In that sentiment I fully concur. But the omission in the arguments of the gentlemen who urge this bill, is to show—*to prove how the Government will be able to redeem their notes with specie*. The truth is, these gentlemen know that the Government cannot redeem their notes in specie *now, nor in six months, nor in twelve*. Hence it is you will not make them payable at *sight*. Hence it is that you will not allow them to be presented for payment in *twelve months after date*. Hence it is that you will not say they shall *not* bear interest. Hence it is that you will not say that they shall bear six per cent! You leave it all to speculation—all to chance—you know it will be a spurious, not a bona fide currency—nor with a bona fide purpose.

How can State-rights men reconcile their support of this measure with their notions of strict construction? How can they reconcile it to themselves and to consistency, to support a measure which violates both the letter and the spirit of the constitution, by authorizing an officer of Government to issue paper for money, which paper is not to be redeemed? And the holder of this paper has no power to coerce, by law, specie at pleasure from the Government—when the same Government coerces the very holder of this money, to pay it only in gold or silver. A system of greater oppression and tyranny could not be easily devised by the wit of man. You tell the creditors of the Government, you must take Treasury notes, or take nothing! You then tell them you will not pay them what is due them for twelve months thereafter; nor do you give them an earnest that you will pay them then. You tell them, in the meantime, that you will exact at the moment that any individual should owe the Government, gold or silver; if it is not forthcoming, you will order your attorney and your marshal to sacrifice their property, and, peradventure, consign them to prison.

The constitution of the United States provides for every possible emergency. You can raise revenues upon importations; it takes the power from the States; you can raise revenue by direct taxation. If you do not choose to use these powers, you have the *express*, not implied, power given you to *borrow money* to pay your debts, or for any other purpose. Here you have a legitimate constitutional source from which you can raise revenue or money.

One gentleman, who advocated this bill, said that the power to authorize Treasury notes, was not inhibited by the constitution; that gentleman has given a new reading to that instrument. The constitution informs us that powers not given to Congress by that instrument, are denied to it; are reserved to the States and the people of the States; power that is not expressly given or clearly implied, is prohibited. This is a Government of limitations, of checks, and balances, and nowhere can be found the authority, under the constitution, which you propose to invest to the discretion of the Secretary of the Treasury.

You are about to authorize the issuing of a currency, which you are convinced will fluctuate in the market. How, then, can it be a true standard and test of value? One gentleman says that Treasury certificates are below par; another, at a premium. It is certain they cannot be converted into specie at par; and I call nothing at par that cannot, at the will of the holder, be converted into specie.

The chairman of the Committee of Ways and Means has informed the committee that Treasury certificates fell as much as 4 per cent. in one day in New York. Is not this a delightful currency that is subject to such rapid depreciation or appreciation in a single day? This is the currency which your Government sends forth among the peo-

ple. The holder of it may lose 4 per cent. upon it in six hours after he receives it from the Secretary of the Treasury.

This plan of Government paper was tried by the French Government, under the auspices of the famous Mr. Law, and nearly ruined that nation. You are trying it now under the auspices of Mr. Gouge, and will not be willing to abandon it until you bankrupt half of the people. You lay your foundation upon issues of ten millions, and by and by you will desire to enlarge it to an hundred millions. You refrain from restricting the Secretary, and may have reasons in your bosoms which you are unwilling to articulate. Yes, sir, to redeem these notes may create a pressure, and then you may think it advisable to enlarge the issue. Such contingencies may rise.

Only one gentleman [Mr. Thomas] who has advocated the bill, has taken the open and distinct ground, frankly and fairly to call this measure, in direct terms, a loan. He says that the Government must resort to either an indirect or a direct loan. I differ with him in this: I am in favor of a direct loan, he is for what he regards an indirect loan. This currency which you propose to issue will never enter into the general circulation of the country. If you borrow money, (at the same time create a sinking fund,) and pay your debts with it, it will diffuse itself through the interior, and will enter into the general circulation of each State and neighborhood.

I cannot disabuse my mind from the belief that this is designed as the mere incipient step of a vast executive bank. Why will not gentlemen vote for the amendment—those who are in favor of divorcing the Government from the people and the Goverment from all banks? Why not vote for selling these bonds?—why keep up this *quasi* connexion between the Government and the Bank of the United States? Are these bonds to be kept as kites hovering over the bank? are they to be held *in terrorem* over the bank to prevent it from enlarging its business, and relieving the people? Are they to be kept until some hoped for emergeney, when you can make a sudden call on the bank, in hopes of hishonoring its credit at home and abroad?

England restrains, yet fosters, her bank credit. In this country the Executive wages a war of extermination against all banks and the credit system. One ignorant of the people of the United States, would think, to hear some of the friends of the administration speak, that they are the most corrupt people in the world—that they could be bought up by banks like live stock in the market.

All this is done for effect—those who use the assertion do not believe it. Representatives here may judge of the people by those whom they represent. I am willing that each representative may make his constituents as corrupt and corruptible as may suit his fancy. But I beg the representatives on this floor not to lay their *venue* in the district which I have the honor to represent. I deny that they can be bought by either the bank or the Government. But all such arguments are but the stale cant of designing men, who like to pander to vile prejudices.

The greatest temptation under our Government is *office*. It is an inherent principle in human nature to desire to be entrusted with office—to have a little brief authority. Hence the great desire of the Executive to have its powers enlarged. I war openly against inordinate Executive power. I am opposed to improper Executive power in the Federal Government. I have been and am opposed to it in my own State. I have been consistent if I have not been successful. Because it is in the hands of my own party in Maryland, I have not been convinced that it was right for that reason. I have opposed a miserable edict issued by the Executive of Maryland, which he called a proclamation, and which did not contain scarcely one sound principle of republicanism—which went the whole length of denying the right of the people to alter their constitution. And for this opposition I was called a demagogue. Yes, sir, the greatest in the State, excepting a colleague on this floor.

[Here Mr. Johnson was interrupted by Mr. Jenifer, who said that his colleague, Mr. Johnson, was discussing subjects which were irrelevant to that under debate.]

Mr. Johnson resumed. He said that he was the last man to wound the tender ears of his colleague. He knew that he was a gentleman of delicate nerves, and tender conscience on this subject. That gentleman may reason by induction; I perhaps argue by analogy;—at any rate, I will not desire to be a copyist of my able colleague. But he could not but express his surprise that that gentleman should call him to order for alluding to a subject which that honorable gentleman discussed at great length in this hall at the last session. Yes, sir, the only speech which I have ever seen printed of my honorable colleague, was a speech he made *against reform* in Maryland; which may account, very rationally, why that question is so much stronger in Maryland since. And if he will favor this House with another, I will promise to listen with much less disquietude than that gentleman has evinced. I may imitate him in one respect, and, perhaps, I may be speaking now as the gentleman was speaking then, for *home consumption*. [Confusion and great laughter. The Chair called the House to order, and begged the gentleman from Maryland to confine his remarks to the subject under discussion.] Mr. Johnson resumed. You are correct, Mr. Chairman, in calling the House and myself to order—and in calling the House to order first—for there is more disorder with the House than with myself. [Renewed laughter and excitement.] But I will relieve the house and you, Mr. Chairman. This is mere episode. I wish to see reform triumph in Maryland, and I wish to see it triumph in Washington, and there is great necessity for it in both cases. And hence it is that I oppose the bill on the table; for that reason I shall vote for the amendment. If the bank is the horrid monster you say it is, why not divorce yourselves from it. If it is as vile and corrupt as you say it is, why do you insist upon the connexion? I wish the bonds to be sold to benefit the emergencies of the Government; also that gentlemen may rest upon their pillows, so that this spectre bank may no longer haunt their imaginations.

I have another objection to the bill. No time is specified for issuing these Treasury notes; he may issue part this year, part the next; his discretion is to be the only law. You give him the power also to effect loans if he cannot redeem the Treasury notes. In other words, you give the Secretary all the legislative power which you possess under the constitution, and you give him power to do that which, under the constitution, Congress has no power to do.

# APPENDIX

## TO THE REGISTER OF DEBATES IN CONGRESS.

### TWENTY-FIFTH CONGRESS—First Session.

## MESSAGE

### OF THE PRESIDENT OF THE U. STATES,

TO BOTH HOUSES OF CONGRESS, SEPTEMBER 5, 1837.

*Fellow-citizens of the Senate and House of Representatives:*

The act of the 23d of June, 1836, regulating the deposites of the public money, and directing the employment of State, District, and Territorial banks for that purpose, made it the duty of the Secretary of the Treasury to discontinue the use of such of them as should at any time refuse to redeem their notes in specie, and to substitute other banks, provided a sufficient number could be obtained to receive the public deposites upon the terms and conditions therein prescribed. The general and almost simultaneous suspension of specie payments by the banks in May last, rendered the performance of his duty imperative, in respect to those which had been selected under the act; and made it, at the same time, impracticable to employ the requisite number of others, upon the prescribed conditions. The specific regulations established by Congress for the deposite and safe-keeping of the public moneys having thus unexpectedly become inoperative, I felt it to be my duty to afford you an early opportunity for the exercise of your supervisory powers over the subject.

I was also led to apprehend that the suspension of specie payments, increasing the embarrassments before existing in the pecuniary affairs of the country, would so far diminish the public revenue, that the accruing receipts into the Treasury would not, with the reserved five millions, be sufficient to defray the unavoidable expenses of the Government, until the usual period for the meeting of Congress; whilst the authority to call upon the States, for a portion of the sums deposited with them, was too restricted to enable the Department to realize a sufficient amount from that source. These apprehensions have been justified by subsequent results, which render it certain that this deficiency will occur, if additional means be not provided by Congress.

The difficulties experienced by the mercantile interest, in meeting their engagements, induced them to apply to me, previously to the actual suspension of specie payments, for indulgence upon their bonds for duties; and all the relief authorized by law was promptly and cheerfully granted. The dependance of the Treasury upon the avails of these bonds, to enable it to make the deposites with the States required by law, led me in the outset to limit this indulgence to the first of September, but it has since been extended to the first of October, that the matter might be submitted to your further direction.

Questions were also expected to arise in the recess in respect to the October instalment of those deposites, requiring the interposition of Congress.

A provision of another act, passed about the same time, and intended to secure a faithful compliance with the obligation of the United States to satisfy all demands upon them in specie or its equivalent, prohibited the offer of any bank note, not convertible on the spot into gold or silver at the will of the holder; and the ability of the Government, with millions on deposite, to meet its engagements in the manner thus required by law, was rendered very doubtful by the event to which I have referred.

Sensible that adequate provisions for these unexpected exigencies could only be made by Congress; convinced that some of them would be indispensably necessary to the public service, before the regular period of your meeting; and desirous also to enable you to exercise, at the earliest moment, your full constitutional powers for the relief of the country, I could not, with propriety, avoid subjecting you to the inconvenience of assembling at as early a day as the state of the popular representation would permit. I am sure that I have done but justice to your feelings, in believing that this inconvenience will be cheerfully encountered, in the hope of rendering your meeting conducive to the good of the country.

During the earlier stages of the revulsion through which we have just passed, much acrimonious discussion arose, and great diversity of opinion existed as to its real causes. This was not surprising. The operations of credit are so diversified, and the influences which affect them so numerous, and often so subtle, that even impartial and well-informed persons are seldom found to agree in respect to them. To inherent difficulties were also added other tendencies, which were by no means favorable to the discovery of truth. It was hardly to be expected that those who disapproved the policy of the Government in relation to the currency, would, in the excited state of public feeling produced by the occasion, fail to attribute to that policy any extensive embarrassment in the monetary affairs of the country. The matter thus became connected with the passions and conflicts of party; opinions were more or less affected by political considerations; and differences were prolonged which might otherwise have been determined by an appeal to facts, by the exercise of reason, or by mutual concession. It is, however, a cheering reflection that circumstances of this nature cannot prevent a community so intelligent as ours from ultimately arriving at correct conclusions. Encouraged by the firm belief of this truth, I proceed to state my views, so far as may be necessary to a clear understanding of the remedies I feel it my duty to propose, and of the reasons by which I have been led to recommend them.

The history of trade in the United States for the last three or four years affords the most convincing evidence that our present condition is chiefly to be attributed to over-action in all the departments of business; an over-action deriving, perhaps, its first impulses from antecedent causes, but stimulated to its destructive consequences by excessive issues of bank paper, and by other facilities for the acquisition and enlargement of credit. At the commencement of the year 1834, the banking capital of the United States, including that of the national bank then existing, amounted to about two hundred millions of dollars; the bank notes then in circulation to about ninety-five millions; and the loans and

discounts of the banks to three hundred and twenty-four millions. Between that time and the first of January, 1836, being the latest period to which accurate accounts have been received, our banking capital was increased to more than two hundred and fifty-one millions; our paper circulation to more than one hundred and forty millions; and the loans and discounts to more than four hundred and fifty-seven millions. To this vast increase are to be added the many millions of credit, acquired by means of foreign loans, contracted by the States and State institutions, and, above all, by the lavish accommodations extended by foreign dealers to our merchants.

The consequences of this redundancy of credit, and of the spirit of reckless speculation engendered by it, were a foreign debt contracted by our citizens, estimated in March last at more than thirty millions of dollars; the extension to traders in the interior of our country of credits for supplies, greatly beyond the wants of the people; the investment of thirty-nine and a half millions of dollars in unproductive public lands, in the years 1835 and 1836, whilst in the preceding year the sales amounted to only four and a half millions; the creation of debts, to an almost countless amount, for real estate in existing or anticipated cities and villages, equally unproductive, and at prices now seen to have been greatly disproportionate to their real value; the expenditure of immense sums in improvements which, in many cases, have been found to be ruinously improvident; the diversion to other pursuits of much of the labor that should have been applied to agriculture, thereby contributing to the expenditure of large sums in the importation of grain from Europe—an expenditure which, amounting in 1834 to about two hundred and fifty thousand dollars, was, in the first two quarters of the present year, increased to more than two millions of dollars; and, finally, without enumerating other injurious results, the rapid growth among all classes, and especially in our great commercial towns, of luxurious habits, founded too often on merely fancied wealth, and detrimental alike to the industry, the resources, and the morals of our people.

It was so impossible that such a state of things could long continue, that the prospect of revulsion was present to the minds of considerate men before it actually came. None, however, had correctly anticipated its severity. A concurrence of circumstances, inadequate of themselves to produce such widespread and calamitous embarrassments, tended so greatly to aggravate them, that they cannot be overlooked in considering their history. Among these may be mentioned, as most prominent, the great loss of capital sustained by our commercial emporium in the fire of December, 1835—a loss, the effects of which were underrated at the time, because postponed for a season by the great facilities of credit then existing; the disturbing effects, in our commercial cities, of the transfers of the public moneys required by the deposite law of June, 1836; and the measures adopted by the foreign creditors of our merchants to reduce their debts, and to withdraw from the United States a large portion of our specie.

However unwilling any of our citizens may heretofore have been to assign to these causes the chief instrumentality in producing the present state of things, the developments subsequently made, and the actual condition of other commercial countries, must, as it seems to me, dispel all remaining doubts upon the subject. It has since appeared that evils, similar to those suffered by ourselves, have been experienced in Great Britain, on the continent, and, indeed, throughout the commercial world; and that in other countries, as well as in our own, they have been uniformly preceded by an undue enlargement of the boundaries of trade, prompted, as with us, by unprecedented expansions of the systems of credit. A reference to the amount of banking capital, and the issues of paper credit put in circulation in Great Britain, by banks, and in other ways, during the years 1834, 1835, and 1836, will show an augmentation of the paper currency there, as much disproportioned to the real wants of trade as in the United States. With this redundancy of the paper currency, there arose in that country also a spirit of adventurous speculation, embracing the whole range of human enterprise. Aid was profusely given to projected improvements; large investments were made in foreign stocks and loans; credits for goods were granted with unbounded liberality to merchants in foreign countries; and all the means of acquiring and employing credit were put in active operation, and extended in their effects to every department of business, and to every quarter of the globe. The reaction was proportioned in its violence to the extraordinary character of the events which preceded it. The commercial community of Great Britain were subjected to the greatest difficulties, and their debtors in this country were not only suddenly deprived of accustomed and expected credits, but called upon for payments, which, in the actual posture of things here, could only be made through a general pressure, and at the most ruinous sacrifices.

In view of these facts, it would seem impossible for sincere inquirers after truth to resist the conviction that the causes of the revulsion in both countries have been substantially the same. Two nations, the most commercial in the world, enjoying but recently the highest degree of apparent prosperity, and maintaining with each other the closest relations, are suddenly, in a time of profound peace, and without any great national disaster, arrested in their career, and plunged into a state of embarrassment and distress. In both countries, we have witnessed the same redundancy of paper money, and other facilities of credit; the same spirit of speculation; the same partial successes; the same difficulties and reverses; and, at length, nearly the same overwhelming catastrophe. The most material difference between the results in the two countries has only been, that with us there has also occurred an extensive derangement in the fiscal affairs of the Federal and State Governments, occasioned by the suspension of specie payments by the banks.

The history of these causes and effects in Great Britain and the United States, is substantially the history of the revulsion in all other commercial countries.

The present and visible effects of these circumstances on the operations of the Government, and on the industry of the people, point out the objects which call for your immediate attention.

They are—to regulate by law the safe keeping, transfer, and disbursement of the public moneys; to designate the funds to be received and paid by the Government; to enable the Treasury to meet promptly every demand upon it; to prescribe the terms of indulgence, and the mode of settlement to be adopted, as well in collecting from individuals the revenue that has accrued, as in withdrawing it from former depositories; and to devise and adopt such further measures, within the constitutional competency of Congress, as will be best calculated to revive the enterprise, and to promote the prosperity of the country.

For the deposite, transfer, and disbursement of the revenue, National and State banks have always, with temporary and limited exceptions, been heretofore employed; but, although advocates of each system are still to be found, it is apparent that the events of the last few months have greatly augmented the desire, long existing among the people of the United States, to separate the fiscal operations of the Government from those of individuals or corporations.

Again to create a national bank, as a fiscal agent, would be to disregard the popular will, twice solemnly and unequivocally expressed. On no question of domestic policy is there stronger evidence that the sentiments of a large majority are deliberately fixed; and I cannot concur with those who think they see, in recent events, a proof that these sentiments are, or a reason that they should be, changed.

Events, similar in their origin and character, have heretofore frequently occurred, without producing any such change; and the lessons of experience must be forgotten, if we suppose that the present overthrow of credit would have been prevented by the existence of a national bank. Proneness to excessive issues has ever been the vice of the banking system; a vice as prominent in national as in State institutions. This propensity is as subservient to the advancement of private interests in the one as in the

other; and those who direct them both, being principally guided by the same views, and influenced by the same motives, will be equally ready to stimulate to extravagance of enterprise by improvidence of credit. How strikingly is this conclusion sustained by experience! The Bank of the United States, with the vast powers conferred on it by Congress, did not, or could not, prevent former and similar embarrassments; nor has the still greater strength it has been said to possess under its present charter, enabled it, in the existing emergency, to check other institutions, or even to save itself. In Great Britain, where, it has been seen, the same causes have been attended with the same effects, a national bank, possessing powers far greater than are asked for by the warmest advocates of such an institution here, has also proved unable to prevent an undue expansion of credit, and the evils that flow from it. Nor can I find any tenable ground for the re-establishment of a national bank, in the derangement alleged at present to exist in the domestic exchanges of the country, or in the facilities it may be capable of affording them. Although advantages of this sort were anticipated when the first Bank of the United States was created, they were regarded as an incidental accommodation; not one which the Federal Government was bound, or could be called upon, to furnish. This accommodation is now, indeed, after the lapse of not many years, demanded from it as among its first duties, and an omission to aid and regulate commercial exchange is treated as a ground of loud and serious complaint. Such results only serve to exemplify the constant desire, among some of our citizens, to enlarge the powers of the Government, and extend its control to subjects with which it should not interfere. They can never justify the creation of an institution to promote such objects. On the contrary, they justly excite among the community a more diligent inquiry into the character of those operations of trade, towards which it is desired to extend such peculiar favors.

The various transactions which bear the name of domestic exchanges, differ essentially in their nature, operation, and utility. One class of them consists of bills of exchange, drawn for the purpose of transferring actual capital from one part of the country to another, or to anticipate the proceeds of property actually transmitted. Bills of this description are highly useful in the movements of trade, and well deserve all the encouragement which can rightfully be given to them. Another class is made up of bills of exchange, not drawn to transfer actual capital, nor on the credit of property transmitted, but to create fictitious capital, partaking at once of the character of notes discounted in bank, and of bank notes in circulation, and swelling the mass of paper credits to a vast extent, in the most objectionable manner. These bills have formed, for the last few years, a large proportion of what are termed the domestic exchanges of the country, serving as the means of usurious profit, and constituting the most unsafe and precarious paper in circulation. This species of traffic, instead of being upheld, ought to be discountenanced by the Government and the people.

In transferring its funds from place to place, the Government is on the same footing with the private citizen, and may resort to the same legal means. It may do so through the medium of bills drawn by itself, or purchased from others; and in these operations it may, in a manner undoubtedly constitutional and legitimate, facilitate and assist exchanges of individuals founded on real transactions of trade. The extent to which this may be done, and the best means of effecting it, are entitled to the fullest consideration. This has been bestowed by the Secretary of the Treasury, and his views will be submitted to you in his report.

But it was not designed by the constitution that the Government should assume the management of domestic or foreign exchange. It is, indeed, authorized to regulate by law the commerce between the States, and to provide a general standard of value, or medium of exchange, in gold and silver; but it is not its province to aid individuals in the transfer of their funds, otherwise than through the facilities afforded by the Post Office Department. As justly might it be called on to provide for the transportation of their merchandise. These are operations of trade. They ought to be conducted by those who are interested in them, in the same manner that the incidental difficulties of other pursuits are encountered by other classes of citizens. Such aid has not been deemed necessary in other countries. Throughout Europe, the domestic as well as the foreign exchanges are carried on by private houses, often, if not generally, without the assistance of banks. Yet they extend throughout distinct sovereignties, and far exceed in amount the real exchanges of the United States. There is no reason why our own may not be conducted in the same manner, with equal cheapness and safety. Certainly this might be accomplished, if it were favored by those most deeply interested; and few can doubt that their own interest, as well as the general welfare of the country, would be promoted by leaving such a subject in the hands of those to whom it properly belongs. A system founded on private interest, enterprise, and competition, without the aid of legislative grants or regulations by law, would rapidly prosper; it would be free from the influence of political agitation, and extend the same exemption to trade itself; and it would put an end to those complaints of neglect, partiality, injustice, and oppression, which are the unavoidable results of interference by the Government in the proper concerns of individuals. All former attempts on the part of the Government to carry its legislation, in this respect, further than was designed by the constitution, have in the end proved injurious, and have served only to convince the great body of the people, more and more, of the certain dangers of blending private interests with the operations of public business; and there is no reason to suppose that a repetition of them now would be more successful.

It cannot be concealed that there exists, in our community, opinions and feelings on this subject in direct opposition to each other. A large portion of them, combining great intelligence, activity, and influence, are no doubt sincere in their belief that the operations of trade ought to be assisted by such a connexion; they regard a national bank as necessary for this purpose, and they are disinclined to every measure that does not tend, sooner or later, to the establishment of such an institution. On the other hand, a majority of the people are believed to be irreconcilably opposed to that measure: they consider such a concentration of power dangerous to their liberties; and many of them regard it as a violation of the constitution. This collision of opinion has, doubtless, caused much of the embarrassment to which the commercial transactions of the country have lately been exposed. Banking has become a political topic of the highest interest, and trade has suffered in the conflict of parties. A speedy termination of this state of things, however desirable, is scarcely to be expected. We have seen for nearly half a century that those who advocate a national bank, by whatever motive they may be influenced, constitute a portion of our community too numerous to allow us to hope for an early abandonment of their favorite plan. On the other hand, they must indeed form an erroneous estimate of the intelligence and temper of the American people, who suppose that they have continued, on slight or insufficient grounds, their persevering opposition to such an institution; or that they can be induced by pecuniary pressure, or by any other combination of circumstances, to surrender principles they have so long and so inflexibly maintained.

My own views of the subject are unchanged. They have been repeatedly and unreservedly announced to my fellow-citizens; who, with full knowledge of them, conferred upon me the two highest offices of the Government. On the last of these occasions, I felt it due to the people to apprize them, distinctly, that, in the event of my election, I would not be able to co-operate in the re-establishment of a national bank. To these sentiments, I have now only to add the expression of an increased conviction, that the re-establishment of such a bank, in any form, whilst it would not accomplish the beneficial purpose promised by its advocates, would impair the rightful supremacy of the popular will; injure the character and diminish the influence of our political system; and bring once more into existence a concentrated moneyed power, hostile to the spirit, and

threatening the permanency, of our republican institutions. Local banks have been employed for the deposite and distribution of the revenue, at all times partially, and, on three different occasions, exclusively: first, anterior to the establishment of the first Bank of the United States; secondly, in the interval between the termination of that institution and the charter of its successor; and, thirdly, during the limited period which has now so abruptly closed. The connexion thus repeatedly attempted, proved unsatisfactory on each successive occasion, notwithstanding the various measures which were adopted to facilitate or insure its success. On the last occasion, in the year 1833, the employment of the State banks was guarded especially in every way which experience and caution could suggest. Personal security was required for the safe-keeping and prompt payment of the moneys to be received, and full returns of their condition were, from time to time, to be made by the depositories. In the first stages the measure was eminently successful, notwithstanding the violent opposition of the Bank of the United States, and the unceasing efforts made to overthrow it. The selected banks performed with fidelity, and without any embarrassment to themselves or to the community, their engagements to the Government; and the system promised to be permanently useful. But when it became necessary, under the act of June, 1836, to withdraw from them the public money, for the purpose of placing it in additional institutions, or of transferring it to the States, they found it, in many cases, inconvenient to comply with the demands of the Treasury, and numerous and pressing applications were made for indulgence or relief. As the instalments under the deposite law became payable, their own embarrassments, and the necessity under which they lay of curtailing their discounts and calling in their debts, increased the general distress, and contributed, with other causes, to hasten the revulsion in which, at length, they, in common with the other banks, were fatally involved.

Under these circumstances, it becomes our solemn duty to inquire whether there are not, in any connexion between the Government and banks of issue, evils of great magnitude, inherent in its very nature, and against which no precautions can effectually guard.

Unforeseen in the organization of the Government, and forced on the Treasury by early necessities, the practice of employing banks was, in truth, from the beginning, more a measure of emergency than of sound policy. When we started into existence as a nation, in addition to the burdens of the new Government, we assumed all the large but honorable load of debt which was the price of our liberty; but we hesitated to weigh down the infant industry of the country by resorting to adequate taxation for the necessary revenue. The facilities of banks in return for the privileges they acquired, were promptly offered, and perhaps too readily received, by an embarrassed Treasury. During the long continuance of a national debt, and the intervening difficulties of a foreign war, the connexion was continued from motives of convenience; but these causes have long since passed away. We have no emergencies that make banks necessary to aid the wants of the Treasury; we have no load of national debt to provide for, and we have on actual deposite a large surplus. No public interest, therefore, now requires the renewal of a connexion that circumstances have dissolved. The complete organization of our Government, the abundance of our resources, the general harmony which prevails between the different States, and with foreign Powers—all enable us now to select the system most consistent with the constitution, and most conducive to the public welfare. Should we, then, connect the Treasury for a fourth time with the local banks, it can only be under a conviction that past failures have arisen from accidental, not inherent defects.

A danger, difficult if not impossible to be avoided in such an arrangement, is made strikingly evident in the very event by which it has now been defeated. A sudden act of the banks intrusted with the funds of the people, deprives the Treasury, without fault or agency of the Government, of the ability to pay its creditors in the currency they have by law a right to demand. This circumstance no fluctuation of commerce could have produced, if the public revenue had been collected in the legal currency, and kept in that form by the officers of the Treasury. The citizen whose money was in bank receives it back, since the suspension, at a sacrifice in its amount; whilst he who kept it in the legal currency of the country, and in his own possession, pursues, without loss, the current of his business. The Government, placed in the situation of the former, is involved in embarrassments it could not have suffered had it pursued the course of the latter. These embarrassments are, moreover, augmented by those salutary and just laws which forbid it to use a depreciated currency, and, by so doing, take from the Government the ability which individuals have of accommodating their transactions to such a catastrophe.

A system which can, in a time of profound peace, when there is a large revenue laid by, thus suddenly prevent the application and the use of the money of the people, in the manner and for the objects they have directed, cannot be wise; but who can think, without painful reflection, that, under it, the same unforeseen events might have befallen us in the midst of a war, and taken from us, at the moment when most wanted, the use of those very means which were treasured up to promote the national welfare and guard our national rights? To such embarrassments and to such dangers will this Government be always exposed, whilst it takes the moneys raised for, and necessary to, the public service, out of the hands of its own officers, and converts them into a mere right of action against corporations intrusted with the possession of them. Nor can such results be effectually guarded against in such a system, without investing the Executive with a control over the banks themselves, whether State or national, that might with reason be objected to. Ours is, probably, the only Government in the world that is liable, in the management of its fiscal concerns, to occurrences like these. But this imminent risk is not the only danger attendant on the surrender of the public money to the custody and control of local corporations. Though the object is aid to the Treasury, its effect may be to introduce into the operations of the Government influences the most subtle, founded on interests the most selfish.

The use by the banks, for their own benefit, of the money deposited with them, has received the sanction of the Government from the commencement of this connexion. The money received from the people, instead of being kept till it is needed for their use, is, in consequence of this authority, a fund, on which discounts are made for the profit of those who happen to be owners of stock in the banks selected as depositories. The supposed and often exaggerated advantages of such a boon will always cause it to be sought for with avidity. I will not stop to consider on whom the patronage incident to it is to be conferred; whether the selection and control be trusted to Congress or to the Executive, either will be subjected to appeals made in every form which the sagacity of interest can suggest. The banks, under such a system, are stimulated to make the most of their fortunate acquisition; the deposites are treated as an increase of capital; loans and circulation are rashly augmented, and, when the public exigencies require a return, it is attended with embarrassments not provided for, nor foreseen. Thus banks that thought themselves most fortunate when the public funds were received, find themselves most embarrassed when the season of payment suddenly arrives.

Unfortunately, too, the evils of the system are not limited to the banks. It stimulates a general rashness of enterprise, and aggravates the fluctuations of commerce and the currency. This result was strikingly exhibited during the late operations of the deposite system, and especially in the purchases of public lands. The order which ultimately directed the payment of gold and silver in such purchases, greatly checked, but would not altogether prevent, the evil. Specie was indeed more difficult to be procured than the notes which the banks could themselves create at pleasure; but still, being obtained from them as a loan, and returned as a deposite, which they were again at liberty to use, it only passed round the circle with diminished speed. This ope-

ration could not have been performed, had the funds of the Government gone into the Treasury, to be regularly disbursed, and not into banks, to be loaned out for their own profit, while they were permitted to substitute for it a credit in account.

In expressing these sentiments, I desire not to undervalue the benefits of a salutary credit to any branch of enterprise. The credit bestowed on probity and industry is the just reward of merit, and an honorable incentive to further acquisition. None oppose it who love their country and understand its welfare. But when it is unduly encouraged—when it is made to inflame the public mind with the temptations of sudden and unsubstantial wealth—when it turns industry into paths that lead sooner or later to disappointment and distress—it becomes liable to censure, and needs correction. Far from helping probity and industry, the ruin to which it leads falls most severely on the great laboring classes, who are thrown suddenly out of employment, and, by the failure of magnificent schemes never intended to enrich them, are deprived in a moment of their only resource. Abuses of credit and excesses in speculation will happen in despite of the most salutary laws; no Government, perhaps, can altogether prevent them; but surely every Government can refrain from contributing the stimulus that calls them into life.

Since, therefore, experience has shown, that to lend the public money to the local banks is hazardous to the operations of the Government, at least of doubtful benefit to the institutions themselves, and productive of disastrous derangement in the business and currency of the country, is it the part of wisdom again to renew the connexion?

It is true that such an agency is in many respects convenient to the Treasury, but it is not indispensable. A limitation of the expenses of the Government to its actual wants, and of the revenue to those expenses, with convenient means for its prompt application to the purposes for which it was raised, are the objects which we should seek to accomplish. The collection, safe-keeping, transfer, and disbursement of the public money, can, it is believed, be well managed by officers of the Government. Its collection, and, to a great extent, its disbursement also, have indeed been hitherto conducted solely by them; neither national nor State banks, when employed, being required to do more than keep it safely while in their custody, and transfer and pay it in such portions and at such times as the Treasury shall direct.

Surely banks are not more able than the Government to secure the money in their possession against accident, violence, or fraud. The assertion that they are so, must assume that a vault in a bank is stronger than a vault in the Treasury; and that directors, cashiers, and clerks, not selected by the Government, nor under its control, are more worthy of confidence than officers selected from the people and responsible to the Government; officers bound by official oaths and bonds for a faithful performance of their duties, and constantly subject to the supervision of Congress.

The difficulties of transfer, and the aid heretofore rendered by banks, have been less than is usually supposed. The actual accounts show that by far the larger portion of payments is made within short or convenient distances from the places of collection; and the whole number of warrants issued at the Treasury in the year 1834—a year, the results of which will, it is believed, afford a safe test for the future—fell short of five thousand, or an average of less than one daily for each State; in the city of New York they did not average more than two a day, and at the city of Washington, only four.

The difficulties heretofore existing are, moreover, daily lessened by an increase in the cheapness and facility of communication; and it may be asserted with confidence, that the necessary transfers, as well as the safe-keeping and disbursements of the public moneys, can be with safety and convenience accomplished through the agencies of Treasury officers. The opinion has been, in some degree, confirmed by actual experience since the discontinuance of the banks as fiscal agents, in May last; a period which, from the embarrassments in commercial intercourse, presented obstacles as great as any that may be hereafter apprehended.

The manner of keeping the public money since that period is fully stated in the report of the Secretary of the Treasury. That officer also suggests the propriety of assigning, by law, certain additional duties to existing establishments and officers, which, with the modifications and safeguards referred to by him, will, he thinks, enable the Department to continue to perform this branch of the public service, without any material addition either to their number or to the present expense. The extent of the business to be transacted has already been stated; and in respect to the amount of money with which the officers employed would be intrusted at any one time, it appears that, assuming a balance of five millions to be at all times kept in the Treasury, and the whole of it left in the hands of the collectors and receivers, the proportion of each would not exceed an average of thirty thousand dollars; but that, deducting one million for the use of the mint, and assuming the remaining four millions to be in the hands of one-half of the present number of officers—a supposition deemed more likely to correspond with the fact—the sum in the hands of each would still be less than the amount of most of the bonds now taken from the receivers of public money. Every apprehension, however, on the subject, either in respect to the safety of the money, or the faithful discharge of these fiscal transactions, may, it appears to me, be effectually removed by adding to the present means of the Treasury the establishment by law, at a few important points, of offices for the deposite and disbursement of such portions of the public revenue as cannot, with obvious safety and convenience, be left in the possession of the collecting officers until paid over by them to the public creditors. Neither the amounts retained in their hands, nor those deposited in the offices, would, in an ordinary condition of the revenue, be larger in most cases than those often under the control of disbursing officers of the army and navy, and might be made entirely safe, by requiring such securities, and exercising such controlling supervision, as Congress may by law prescribe. The principal officers whose appointments would become necessary under this plan, taking the largest number suggested by the Secretary of the Treasury, would not exceed ten; nor the additional expenses, at the same estimate, sixty thousand dollars a year.

There can be no doubt of the obligation of those who are intrusted with the affairs of Government, to conduct them with as little cost to the nation as is consistent with the public interest; and it is for Congress, and ultimately for the people, to decide whether the benefits to be derived from keeping our fiscal concerns apart, and severing the connexion which has hitherto existed between the Government and banks, offer sufficient advantages to justify the necessary expenses. If the object to be accomplished is deemed important to the future welfare of the country, I cannot allow myself to believe that the addition to the public expenditure of comparatively so small an amount as will be necessary to effect it, will be objected to by the people.

It will be seen by the report of the Postmaster General, herewith communicated, that the fiscal affairs of that Department have been successfully conducted since May last upon the principle of dealing only in the legal currency of the United States, and that it needs no legislation to maintain its credit, and facilitate the management of its concerns; the existing laws being, in the opinion of that officer, ample for those objects.

Difficulties will doubtless be encountered for a season, and increased services required from the public functionaries; such are usually incident to the commencement of every system, but they will be greatly lessened in the progress of its operations.

The power and influence supposed to be connected with the custody and disbursement of the public money, are topics on which the public mind is naturally, and with great propriety, peculiarly sensitive. Much has been said on them, in reference to the proposed separation of the Government from the banking institutions; and surely no one can object to any appeals or animadversions on

the subject, which are consistent with facts, and evince a proper respect for the intelligence of the people. If a Chief Magistrate may be allowed to speak for himself on such a point, I can truly say, that to me nothing would be more acceptable than the withdrawal from the Executive, to the greatest practicable extent, of all concern in the custody and disbursement of the public revenue: not that I would shrink from any responsibility cast upon me by the duties of my office, but because it is my firm belief that its capacity for usefulness is in no degree promoted by the possession of any patronage not actually necessary to the performance of those duties. But under our present form of government, the intervention of the executive officers in the custody and disbursement of the public money seems to be unavoidable; and before it can be admitted that the influence and power of the Executive would be increased by dispensing with the agency of banks, the nature of that intervention in such an agency must be carefully regarded, and a comparison must be instituted between its extent in the two cases.

The revenue can only be collected by officers appointed by the President, with the advice and consent of the Senate. The public moneys, in the first instance, must, therefore, in all cases, pass through hands selected by the Executive. Other officers appointed in the same way, or, as in some cases, by the President alone, must also be intrusted with them when drawn for the purpose of disbursement. It is thus seen that even when banks are employed, the public funds must twice pass through the hands of executive officers. Besides this, the head of the Treasury Department, who also holds office at the pleasure of the President, and some other officers of the same department, must necessarily be invested with more or less power in the selection, continuance, and supervision of the banks that may be employed. The question is then narrowed to the single point, whether, in the intermediate stage between the collection and disbursement of the public money, the agency of banks is necessary to avoid a dangerous extension of the patronage and influence of the Executive? But is it clear that the connexion of the Executive with powerful moneyed institutions, capable of ministering to the interests of men in points where they are most accessible to corruption, is less liable to abuse, than his constitutional agency in the appointment and control of the few public officers required by the proposed plan? Will the public money, when in their hands, be necessarily exposed to any improper interference on the part of the Executive? May it not be hoped that a prudent fear of public jealousy and disapprobation, in a matter so peculiarly exposed to them, will deter him from any such interference, even if higher motives be found inoperative? May not Congress so regulate by law the duty of those officers, and subject it to such supervision and publicity, as to prevent the possibility of any serious abuse on the part of the Executive? and is there equal room for such supervision and publicity in a connexion with banks, acting under the shield of corporate immunities, and conducted by persons irresponsible to the Government and the people? It is believed that a considerate and candid investigation of these questions will result in the conviction that the proposed plan is far less liable to objection, on the score of Executive patronage and control, than any bank agency that has been, or can be, devised.

With these views, I leave to Congress the measures necessary to regulate, in the present emergency, the safekeeping and transfer of the public moneys. In the performance of constitutional duty, I have stated to them, without reserve, the result of my own reflections. The subject is of great importance, and one on which we can scarcely expect to be as united in sentiment as we are in interest. It deserves a full and free discussion, and cannot fail to be benefited by a dispassionate comparison of opinions. Well aware myself of the duty of reciprocal concession among the co-ordinate branches of the Government, I can promise a reasonable spirit of co-operation, so far as it can be indulged in without the surrender of constitutional objections, which I believe to be well founded. Any system that may be adopted should be subjected to the fullest legal provision, so as to leave nothing to the Executive but what is necessary to the discharge of the duties imposed on him; and whatever plan may be ultimately established, my own part shall be so discharged as to give to it a fair trial, and the best prospect of success.

The character of the funds to be received and disbursed in the transactions of the Government, likewise demands your most careful consideration.

There can be no doubt that those who framed and adopted the constitution, having in immediate view the depreciated paper of the confederacy--of which five hundred dollars in paper were, at times, only equal to one dollar in coin—intended to prevent the recurrence of similar evils, so far at least as related to the transactions of the new Government. They gave to Congress express powers to coin money, and to regulate the value thereof, and of foreign coin; they refused to give it power to establish corporations—the agents then, as now, chiefly employed to create a paper currency; they prohibited the States from making any thing but gold and silver a legal tender in payment of debts; and the first Congress directed, by positive law, that the revenue should be received in nothing but gold and silver.

Public exigency at the outset of the Government, without direct legislative authority, led to the use of banks as fiscal aids to the Treasury. In admitted deviation from the law, at the same period, and under the same exigency, the Secretary of the Treasury received their notes in payment of duties. The sole ground on which the practice, thus commenced, was then, or has since been justified, is the certain, immediate, and convenient exchange of such notes for specie. The Government did indeed receive the inconvertible notes of State banks during the difficulties of war; and the community submitted without a murmur to the unequal taxation and multiplied evils of which such a course was productive. With the war, this indulgence ceased; and the banks were obliged again to redeem their notes in gold and silver. The Treasury, in accordance with previous practice, continued to dispense with the currency required by the act of 1789, and took the notes of banks, in full confidence of their being paid in specie on demand; and Congress, to guard against the slightest violation of this principle, have declared, by law, that if notes are paid in the transactions of the Government, it must be under such circumstances as to enable the holder to convert them into specie without depreciation or delay.

Of my own duties under the existing laws, when the banks suspended specie payments, I could not doubt. Directions were immediately given to prevent the reception into the Treasury of any thing but gold and silver or its equivalent; and every practicable arrangement was made to preserve the public faith by similar or equivalent payments to the public creditors. The revenue from lands had been for some time substantially so collected, under the order issued by the directions of my predecessor. The effects of that order had been so salutary, and its forecast in regard to the increasing insecurity of bank paper had become so apparent, that, even before the catastrophe, I had resolved not to interfere with its operation. Congress is now to decide whether the revenue shall continue to be so collected or not.

The receipts into the Treasury of bank notes not redeemed in specie on demand, will not, I presume, be sanctioned. It would destroy, without the excuse of war or public distress, that equality of imports, and identity of commercial regulation, which lie at the foundation of our confederacy, and would offer to each State a direct temptation to increase its foreign trade, by depreciating the currency received for duties in its ports. Such a proceeding would also, in a great degree, frustrate the policy, so highly cherished, of infusing into our circulation a larger proportion of the precious metals; a policy the wisdom of which none can doubt, though there may be different opinions as to the extent to which it should be carried. Its results have been already too

auspicious, and its success is too closely interwoven with the future prosperity of the country, to permit us for a moment to contemplate its abandonment. We have seen, under its influence, our specie augmented beyond eighty millions; our coinage increased so as to make that of gold amount, between August, 1834, and December, 1836, to ten millions of dollars; exceeding the whole coinage at the mint during the thirty-one previous years. The prospect of further improvement continued without abatement until the moment of the suspension of specie payments. This policy has now, indeed, been suddenly checked, but is still far from being overthrown. Amidst all conflicting theories, one position is undeniable: the precious metals will invariably disappear when there ceases to be a necessity for their use as a circulating medium. It was in strict accordance with this truth, that whilst, in the month of May last, they were every where seen, and were current for all ordinary purposes, they disappeared from circulation the moment the payment of specie was refused by the banks, and the community tacitly agreed to dispense with its employment. Their place was supplied by a currency exclusively of paper, and, in many cases, of the worst description. Already are the bank notes now in circulation greatly depreciated, and they fluctuate in value between one place and another; thus diminishing and making uncertain the worth of property and the price of labor, and failing to subserve, except at a heavy loss, the purposes of business. With each succeeding day the metallic currency decreases; by some it is hoarded in the natural fear that, once parted with, it cannot be replaced; while by others it is diverted from its more legitimate uses, for the sake of gain. Should Congress sanction this condition of things, by making irredeemable paper money receivable in payment of public dues, a temporary check to a wise and salutary policy will, in all probability, be converted into its absolute destruction.

It is true that bank notes actually convertible into specie may be received in payment of the revenue, without being liable to all these objections, and that such a course may, to some extent, promote individual convenience; an object always to be considered where it does not conflict with the principles of our Government or the general welfare of the country. If such notes only were received, and always under circumstances allowing their early presentation for payment, and if, at short and fixed periods, they were converted into specie, to be kept by the officers of the Treasury, some of the most serious obstacles to their reception would perhaps be removed. To retain the notes in the Treasury would be to renew, under another form, the loans of public money to the banks, and the evils consequent thereon.

It is, however, a mistaken impression, that any large amount of specie is required for public payments. Of the seventy or eighty millions now estimated to be in the country, ten millions would be abundantly sufficient for that purpose, provided an accumulation of a large amount of revenue, beyond the necessary wants of the Government, be hereafter prevented. If to these considerations be added the facilities which will arise from enabling the Treasury to satisfy the public creditors, by its drafts or notes received in payment of the public dues, it may be safely assumed that no motive of convenience to the citizen requires the reception of bank paper.

To say that the refusal of paper money by the Government introduces an unjust discrimination between the currency received by it, and that used by individuals in their ordinary affairs, is, in my judgment, to view it in a very erroneous light. The constitution prohibits the States from making any thing but gold and silver a tender in the payment of debts, and thus secures to every citizen a right to demand payment in the legal currency. To provide by law that the Government will only receive its dues in gold and silver, is not to confer on it any peculiar privilege, but merely to place it on an equality with the citizen, by reserving to it a right secured to him by the constitution. It is doubtless for this reason that the principle has been sanctioned by successive laws, from the time of the first Congress under the constitution down to the last. Such precedents, never objected to, and proceeding from such sources, afford a decisive answer to the imputation of inequality or injustice.

But, in fact, the measure is one of restriction, not of favor. To forbid the public agent to receive in payment any other than a certain kind of money, is to refuse him a discretion possessed by every citizen. It may be left to those who have the management of their own transactions, to make their own terms; but no such discretion should be given to him who acts merely as an agent of the people, who is to collect what the law requires, and to pay the appropriations it makes. When bank notes are redeemed on demand, there is then no discrimination in reality, for the individual who receives them may, at his option, substitute the specie for them; he takes them from convenience or choice. When they are not so redeemed, it will scarcely be contended that their receipt and payment, by a public officer, should be permitted, though none deny that right to an individual, if it were, the effect would be most injurious to the public, since their officer could make none of those arrangements to meet or guard against the depreciation, which an individual is at liberty to do. Nor can inconvenience to the community be alleged as an objection to such a regulation. Its object and motive are their convenience and welfare.

If, at a moment of simultaneous and unexpected suspension by the banks, it adds something to the many embarrassments of that proceeding, yet these are far overbalanced by its direct tendency to produce a wider circulation of gold and silver, to increase the safety of bank paper, to improve the general currency, and thus to prevent altogether such occurrences, and the other and far greater evils that attend them.

It may, indeed, be questioned, whether it is not for the interest of the banks themselves that the Government should not receive their paper. They would be conducted with more caution, and on sounder principles. By using specie only in its transactions, the Government would create a demand for it, which would, to a great extent, prevent its exportation, and, by keeping it in circulation, maintain a broader and safer basis for the paper currency. That the banks would thus be rendered more sound, and the community more safe, cannot admit of a doubt.

The foregoing views, it seems to me, do but fairly carry out the provisions of the federal constitution in relation to the currency, as far as relates to the public revenue. At the time that instrument was framed, there were but three or four banks in the United States; and had the extension of the banking system, and the evils growing out of it, been foreseen, they would probably have been specially guarded against. The same policy which led to the prohibition of bills of credit by the States, would, doubtless, in that event, have also interdicted their issue as a currency in any other form. The constitution, however, contains no such prohibition; and, since the States have exercised for nearly half a century the power to regulate the business of banking, it is not to be expected that it will be abandoned. The whole matter is now under discussion before the proper tribunal—the people of the States. Never before has the public mind been so thoroughly awakened to a proper sense of its importance; never has the subject, in all its bearings, been submitted to so

searching an inquiry. It would be distrusting the intelligence and virtue of the people to doubt the speedy and efficient adoption of such measures of reform as the public good demands. All that can rightfully be done by the federal Government, to promote the accomplishment of that important object, will, without doubt, be performed.

In the mean time, it is our duty to provide all the remedies against a depreciated paper currency which the constitution enables us to afford. The Treasury Department, on several former occasions, has suggested the propriety and importance of a uniform law concerning bankruptcies of corporations, and other bankers. Through the instrumentality of such a law, a salutary check may doubtless be imposed on the issues of paper money, and an effectual remedy given to the citizen in a way at once equal in all parts of the Union, and fully authorized by the constitution.

The indulgence granted by executive authority in the payment of bonds for duties has been already mentioned. Seeing that the immediate enforcement of these obligations would subject a large and highly respectable portion of our citizens to great sacrifices, and believing that a temporary postponement could be made without detriment to other interests, and with increased certainty of ultimate payment, I did not hesitate to comply with the request that was made of me. The terms allowed are, to the full extent, as liberal as any that are to be found in the practice of the Executive Department. It remains for Congress to decide whether a further postponement may not with propriety be allowed, and, if so, their legislation upon the subject is respectfully invited.

The report of the Secretary of the Treasury will exhibit the condition of these debts; the extent and effect of the present indulgence; the probable result of its further extension on the state of the Treasury; and every other fact necessary to a full consideration of the subject. Similar information is communicated in regard to such depositories of the public moneys as are indebted to the Government, in order that Congress may also adopt the proper measures in regard to them.

The receipts and expenditures for the first half of the year, and an estimate of those for the residue, will be laid before you by the Secretary of the Treasury. In his report of December last, it was estimated that the current receipts would fall short of the expenditures by about three millions of dollars. It will be seen that the difference will be much greater. This is to be attributed not only to the occurrence of greater pecuniary embarrassments in the business of the country than those which were then predicted, and, consequently, a greater diminution in the revenue, but also to the fact that the appropriations exceeded, by nearly six millions, the amount which was asked for in the estimates then submitted. The sum necessary for the service of the year, beyond the probable receipts, and the amount which it was intended should be reserved in the Treasury at the commencement of the year, will be about six millions. If the whole of the reserved balance be not at once applied to the current expenditures, but four millions be still kept in the Treasury, as seems most expedient, for the uses of the mint, and to meet contingencies, the sum needed will be ten millions.

In making this estimate, the receipts are calculated on the supposition of some further extension of the indulgence granted in the payment of bonds for duties, which will affect the amount of the revenue for the present year to the extent of two and a half millions.

It is not proposed to procure the required amount by loans or increased taxation. There are now in the Treasury nine million three hundred and sixty-seven thousand two hundred and fourteen dollars, directed by the act of the 23d of June, 1836, to be deposited with the States in October next. This sum, if so deposited, will be subject, under the law, to be recalled, if needed, to defray existing appropriations; and as it is now evident that the whole, or the principal part of it, will be wanted for that purpose, it appears most proper that the deposite should be withheld. Until the amount can be collected from the banks, Treasury notes may be temporarily issued, to be gradually redeemed as it is received.

I am aware that this course may be productive of inconvenience to many of the States. Relying upon the acts of Congress which held out to them the strong probability, if not the certainty, of receiving this instalment, they have in some instances adopted measures with which its retention may seriously interfere. That such a condition of things should have occurred, is much to be regretted. It is not the least among the unfortunate results of the disasters of the times; and it is for Congress to devise a fit remedy, if there be one. The money being indispensable to the wants of the Treasury, it is difficult to conceive upon what principle of justice or expediency its application to that object can be avoided. To recall any portions of the sums already deposited with the States, would be more inconvenient and less efficient. To burden the country with increased taxation, when there is in fact a large surplus revenue, would be unjust and unwise; to raise moneys by loans under such circumstances, and thus to commence a new national debt, would scarcely be sanctioned by the American people.

The plan proposed will be adequate to all our fiscal operations, during the remainder of the year. Should it be adopted, the Treasury, aided by the ample resources of the country, will be able to discharge, punctually, every pecuniary obligation. For the future, all that is needed will be that caution and forbearance in appropriations which the diminution of the revenue requires, and which the complete accomplishment or great forwardness of many expensive national undertakings renders equally consistent with prudence and patriotic liberality.

The preceding suggestions and recommendations are submitted, in the belief that their adoption by Congress will enable the Executive Department to conduct our fiscal concerns with success, so far as their management has been committed to it. Whilst the objects, and the means proposed to attain them, are within its constitutional powers and appropriate duties, they will at the same time, it is hoped, by their necessary operation, afford essential aid in the transaction of individual concerns, and thus yield relief to the people at large in a form adapted to the nature of our Government. Those who look to the action of this Government for specific aid to the citizens to relieve embarrassments arising from losses by revulsions in commerce and credit, lose sight of the ends for which it was created, and the powers with which it is clothed. It was established to give security to us all, in our lawful and honorable pursuits, under the lasting safeguard of republican institutions. It was not intended to confer special favors on individuals, or on any classes of them; to create systems of agriculture, manufactures, or trade; or to engage in them, either separately or in connexion with individual citizens or organized associations. If its operations were to be directed for the benefit of any one class, equivalent favors must, in justice, be extended to the rest; and the attempt to bestow such favors with an equal hand, or even to select those who should most deserve them, would never be successful. All communities are apt to look to Government for too much. Even in our own country, where its powers and duties are so strictly limited, we are prone to do so, especially at periods of sudden embarrassment and distress. But this ought not

to be. The framers of our excellent constitution, and the people who approved it with calm and sagacious deliberation, acted at the time on a sounder principle. They wisely judged that the less Government inteferes with private pursuits, the better for general prosperity. It is not its legitimate object to make men rich, or to repair, by direct grants of money or legislation in favor of particular pursuits, losses not incurred in the public service. This would be substantially to use the property of some for the benefit of others. But its real duty—that duty the performance of which makes a good Government the most precious of human blessings—is to enact and enforce a system of general laws commensurate with, but not exceeding, the objects of its establishment, and to leave every citizen and every interest to reap, under its benign protection, the rewards of virtue, industry, and prudence.

I cannot doubt that on this, as on all similar occasions, the Federal Government will find its agency most conducive to the security and happiness of the people, when limited to the exercise of its conceded powers. In never assuming, even for a well-meant object, such powers as were not designed to be conferred upon it, we shall in reality do most for the general welfare. To avoid every unnecessary interference with the pursuits of the citizen, will result in more benefit than to adopt measures which could only assist limited interests, and are eagerly, but perhaps naturally, sought for, under the pressure of temporary circumstances. If, therefore, I refrain from suggesting to Congress any specific plan for regulating the exchanges of the country, relieving mercantile embarrassments, or interfering with the ordinary operations of foreign or domestic commerce, it is from a conviction that such measures are not within the constitutional province of the General Government, and that their adoption would not promote the real and permanent welfare of those they might be designed to aid.

The difficulties and distresses of the times, though unquestionably great, are limited in their extent, and cannot be regarded as affecting the permanent prosperity of the nation. Arising, in a great degree, from the transactions of foreign and domestic commerce, it is upon them that they have chiefly fallen. The great agricultural interest has, in many parts of the country, suffered comparatively little; and, as if Providence intended to display the munificence of its goodness at the moment of our greatest need, and in direct contrast to the evils occasioned by the waywardness of man, we have been blessed throughout our extended territory with a season of general health and of uncommon fruitfulness. The proceeds of our great staples will soon furnish the means of liquidating debts at home and abroad, and contribute equally to the revival of commercial activity, and the restoration of commercial credit. The banks, established avowedly for its support, deriving their profits from it, and resting under obligations to it which cannot be overlooked, will feel at once the necessity and justice of uniting their energies with those of the mercantile interest. The suspension of specie payments, at such a time and under such circumstances as we have lately witnessed, could not be other than a temporary measure; and we can scarcely err in believing that the period must soon arrive when all that are solvent will redeem their issues in gold and silver. Dealings abroad naturally depend on resources and prosperity at home. If the debt of our merchants has accumulated, or their credit is impaired, these are fluctuations always incident to extensive or extravagant mercantile transactions. But the ultimate security of such obligations does not admit of question. They are guarantied by the resources of a country, the fruits of whose industry afford abundant means of ample liquidation, and by the evident interest of every merchant to sustain a credit, hitherto high, by promptly applying these means for its preservation.

I deeply regret that events have occurred which require me to ask your consideration of such serious topics. I could have wished that, in making my first communication to the assembled Representatives of my country, I had nothing to dwell upon but the history of her unalloyed prosperity. Since it is otherwise, we can only feel more deeply the responsibility of the respective trusts that have been confided to us, and, under the pressure of difficulties, unite in invoking the guidance and aid of the Supreme Ruler of nations, and in laboring with zealous resolution to overcome the difficulties by which we are environed.

It is, under such circumstances, a high gratification to know, by long experience, that we act for a people to whom the truth, however unpromising, can always be spoken with safety; for the trial of whose patriotism no emergency is too severe, and who are sure never to desert a public functionary honestly laboring for the public good. It seems just that they should receive, without delay, any aid in their embarrassments which your deliberations can afford. Coming directly from the midst of them, and knowing the course of events in every section of our country, from you may best be learned as well the extent and nature of these embarrassments, as the most desirable measures of relief.

I am aware, however, that it is not proper to detain you, at present, longer than may be demanded by the special objects for which you are convened. To them, therefore, I have confined my communication; and, believing it will not be your own wish now to extend your deliberations beyond them, I reserve till the usual period of your annual meeting that general information on the state of the Union which the constitution requires me to give.

M. VAN BUREN.

Washington, *Sept.* 4, 1837.

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## REPORT OF THE POSTMASTER GENERAL.

Post Office Department,
*September* 4, 1837.

To the President *of the United States:*

Sir: Immediately after the suspension of specie payments by the banks in New York, in May last, a circular was sent out, directing all postmasters who had been instructed to deposite the proceeds of their offices in banks, to retain them in specie to meet the drafts of the Department.

To those who had been instructed to pay directly to contractors, another circular was sent reminding them of their duties and liabilities in reference to the moneys to be received and paid by them under existing laws.

Instructions have recently been prepared, directing the manner in which returns of cash on hand are hereafter to be made to the Department, and forbidding the loaning or use of the moneys belonging to the public for any purpose whatsoever. Copies of these papers are annexed, marked A, B, and C.

In relation to upwards of ten thousand of the post offices, these regulations make no change. The only change effected by them is, that about eleven hundred postmasters who formerly deposited their income in banks, weekly, monthly, or quarterly, according to its amount, now retain the money in their own hands till drawn for by the Department. To about nine-tenths of these, the new system is more convenient than the old, as it saves them the trouble of going or sending to the banks and procuring certificates of deposite; it is equally safe, as their entire balances will be drawn for as often as they are deposited; and it is more efficient, because some postmasters who might neglect to deposite will not venture to dishonor a draft.

The postmasters who will not close their accounts quarterly, will not, probably, exceed one hundred; and the balances in their hands, from quarter to quarter, are not likely, under a proper administration of the Department,

to exceed, in ordinary times, one or two hundred thousand dollars. As they are required to have their balances always ready in gold and silver, the Department will always have the means of meeting its engagements; and if a default in an individual case should occasionally happen, nothing like a general refusal to pay, as in the case of the late deposite banks, is ever to apprehended.

It will ever be the true policy of the Department not to have a large surplus; and, consequently, there will be little to intrust to the custody of postmasters or others. Moreover, the number of post offices now instructed to retain their funds, will be largely reduced upon an adjustment of the collection system to the mail service, as arranged within the last twelve months.

Though in some places convenient, banks are not necessary to the collection and disbursement of the funds of this Department. In reference to more than ten thousand post offices, the collections and disbursements are effected more expeditiously and more conveniently without the interposition of banks, than they could be with it. The contractors who are creditors of the Department, are its collectors from postmasters, and the collection and disbursement are but one operation. It is generally effected in a few days after the close of each quarter. The operation is the same where the postmasters pay to contractors upon the drafts of the Department, though it is more tardy. The few offices in reference to which banks are a convenience, are those whose receipts are large, and are not likely to be absorbed from quarter to quarter by the drafts of the Department. They have generally iron chests or safes where the specie is kept; and, with a strict supervision and careful attention to their bonds, they will seldom, if ever, be found in default.

The necessary transfers of funds are effected by the Department without inconvenience or loss. On the interior mail routes, the expenditure is generally greater than the income; so that after the contractors have received the entire revenue of the offices supplied by them, balances are still due. These balances are as readily paid off by drafts on the postmasters in the cities where the surplus arises, as they could be by checks on banks in the same places. The process is rendered the more easy from the fact that the heaviest surplus accrues at those points where funds are the most valuable, particularly at New York; so that the drafts of the Department to pay balances in the most distant parts of the Union are generally better than cash, being available for mercantile remittances. Thus, the necessary transfers of the Department are readily effected; and as this state of things is not likely to change, it would seldom, if ever, become necessary for the Department to transport specie from one point to another, if there was not a bank in existence.

Upon the suspension of the banks, efforts were made in some quarters to compel the Department to receive irredeemable and depreciated paper for postages. Law, justice, and public policy, required an inflexible resistance of these efforts. Gold and silver are the only constitutional and legal currency of the United States, and nothing but that currency, or its equivalent, can be legally offered to the public creditors in payment. All taxes and postages are imposed in this currency, and all contracts are made upon its basis. The public faith could be kept, and the public business successfully carried on, only by a strict adherence to the plain letter, as well as obvious spirit, of the law.

The undersigned is happy to state that all attempts to force the Department to receive depreciated paper were soon abandoned; that little difficulty has been experienced in collecting postages in specie, and none where the circulation of change tickets has been successfully resisted; and that the credit of the Department has been preserved unimpaired. Nor is any difficulty apprehended, so long as postages are collected in the constitutional currency of the United States. But, should the Department be compelled to receive, and offer to its creditors, the depreciated notes issued by hundreds of embarrassed, faithless, or bankrupt corporations or individuals, no sure calculation can be made as to the future; and there is reason to apprehend general discontent, extensive failures, and deplorable disorganization throughout the mail service. With what face could the Department insist on, and compel, a strict performance of contract obligations by contractors, when stripped of the power to perform the most vital part of the contracts (so far as the interest of the contractor is concerned) on its own part? Justice and sound policy alike demand a firm adherence, in the mail service, to the standard of value, and the basis of contracts prescribed by the constitution, and hitherto strictly maintained, (except for a short period,) amidst the calamities of war.

On the whole, no legislation is necessary to maintain the credit of this Department, or enable it to manage its fiscal concerns, the existing laws being deemed ample for those purposes.

I have the honor to be your obedient servant,

AMOS KENDALL.

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A.

POST OFFICE DEPARTMENT,

————————, 1837.

SIR: You will, until further orders, retain the proceeds of your office in your hands, in specie, to meet the drafts of this Department.

I am, respectfully, your obedient servant,

————— —————.

Postmaster at ————.

B.

POST OFFICE DEPARTMENT,

*Appointment Office, Washington, May* 16, 1837.

SIR: I am instructed by the Postmaster General to call your particular attention to the fact, that the rates of postage, as established by law, are based upon the legal currency of the United States. The following extracts from the printed regulations and the law, will clearly show what are your duties and responsibilities in relation to the kind of currency to be received for postage, viz:

"You will receive nothing but specie, or its equivalent, for postage."—*Instructions to Postmasters*, chapter 5, section 62.

"All payments to the Department, whether upon its drafts or by deposite in bank, must be in specie, or its equivalent. No allowance can be made to postmasters for the depreciation of money received for postage, nor for losses by fire, robbery, or theft."—Chap. 28, section 245.

*Extract from an act of Congress, approved on the* 14*th of April*, 1836.

"Sec. 2. *And be it further enacted*, That, hereafter, no bank notes of less denomination than ten dollars, and that from and after the 3d day of March, anno Domini 1837, no bank note of less denomination than twenty dollars shall be offered in payment, in any case whatsoever in which money is to be paid by the United States, or by the Post Office Department; nor shall any bank note, of any denomination, be so offered, unless the same shall be payable, and paid on demand, in gold or silver coin at the place where issued, and which shall not be equivalent to specie at the place where offered, and convertible into gold or silver upon the spot, at the will of the holder, and without delay or loss to him: *Provided*, That nothing herein contained shall be construed to make any thing but gold or silver a legal tender by any individual, or by the United States."

Hence you will perceive that, whatever you may receive for postage, you are responsible for gold or silver; and that it is unlawful for you to offer in payment to contractors, or others, any note of any bank which does not pay its notes in specie. As the Postmaster General has no power to release you from your responsibilities under the laws, and as, on the contrary, it is his duty to see them faithfully executed, he has deemed it expedient to give you this notice, that you may guard yourself against loss in the collection of your postages.

Very respectfully, your obedient servant,
ROBERT JOHNSTON,
*Second Assistant Postmaster General.*

C.

Postmasters, who may be under instructions to retain the proceeds of their offices until drawn for by the Department, will observe the following regulations, viz:

Those whose nett proceeds are five hundred dollars or more per week, will report the amount weekly to the Department. Fractions of weeks at the beginning and end of quarters need not be reported separately.

Those whose nett proceeds are not five hundred dollars per week, but amount to that sum or more per month, will report them monthly. The last month of each quarter need not be reported separately.

At the end of each quarter, all postmasters at draft offices will immediately ascertain the amount of nett revenue accruing at their respective offices during the quarter, and report it forthwith to the Department, setting down the sums, if any, which may have been reported weekly or monthly, and deducting them, thus exhibiting the balance not reported.

All these reports must be by letter addressed to the Postmaster General, which must be sent separately, and not enclosed with the quarterly accounts, or tied to them, or to any other letter or packet on other business. Nor must it be delayed until the accounts are forwarded, if it can be sent sooner.

Postmasters will not be permitted to use or loan out any of the moneys belonging to the Department, but will keep them always on hand to meet its drafts. A violation of this regulation will be considered good cause for instant removal and prosecution. Every draft must be paid on presentation.

The travelling agents of the Department will be instructed to call occasionally on the draft offices, without notice, for the purpose of counting and reporting the cash on hand, and reporting also the manner in which it is kept.

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## REPORT ON THE FINANCES.

*Letter from the Secretary of the Treasury, transmitting his annual report on the state of the finances. House of Representatives September 5, 1837; read and laid upon the table.*

TREASURY DEPARTMENT,
*September 5, 1837.*

In pursuance of the duty of this Department to submit to Congress, at each session, the state of the finances, and in conformity with the request of the President that such other fiscal matters should, on this occasion, be presented, as appear to require early legislation, the undersigned has the honor to offer the following report:

### 1. CONDITION OF THE TREASURY.

It is not proposed to give all the particulars relating to the receipts and expenditure which usually accompany an annual statement; but an exposition of them, under the customary general heads, so far as they have been ascertained, for the first half of the year, is subjoined.

Brief estimates for the other half are made, and such explanations added, as seem necessary to show with clearness not only the condition of the Treasury at this time, but its probable state for the residue of the year.

According to the Treasurer's running account, the whole amount of available money in the Treasury on the 1st of January, 1837, applicable to public purposes, was $42,468,859 97. From that sum, there were on that day reserved $5,000,000; and the balance, being $37,468,859 97, was, under the provisions of the act of June 23, 1836, to be placed in deposite with the States. It is ascertained that $27,063,430 80 of it have since been actually received by them.

The amount of that portion of the first three instalments, the payment of which has not yet been acknowledged, though transfers were seasonably issued for it, is 1,165,575 dollars, 18 cents. The remainder is $9,367,214 98, and is the sum which was designed for the fourth instalment of deposites with the States on the 1st of October next. The amount reserved in the Treasury on the 1st of January, has since been increased, by returns subsequently received from banks, to the sum of $6,670,137 52; and which of course could not then be ascertained or taken into computation.

*Receipts.*

The receipts in the first half of the year, deposited in banks, and paid on drafts by collectors and receivers, so far as ascertained, have been:

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|---|---|
| From customs - - - - | $7,234,451 |
| From lands - - - - | 5,303,731 |
| And from miscellaneous sources - - | 512,263 |

To these may be added about $600,000 which remained in the hands of receivers, and $50,000 in those of collectors, subject to draft. All these make the aggregate for that half of the year $13,187,182. If no further postponement be granted on duty bonds, it is estimated that the whole receipts for the last half of the year, from all sources, will be about $9,500,000; which would make them, as ascertained and estimated for the whole year, $22,687,182. But if the brief extension of the present postponement, brought into view hereafter, and favorably regarded, be directed by Congress, the receipts will probably be about $7,000,000; while, by a postponement of the whole to another year, they will not be likely to exceed $4,500,000.

Looking at our whole revenue, therefore, from all quarters, it appears that the balance of money reserved at the commencement of the years, as finally ascertained to be $6,670,137, with the actual receipts for the first half at $13,187,182, and those now anticipated for the last half of it at $7,000,000, will constitute an aggregate of $26,854,319.

*Expenditures.*

The expenditures during the first half of the year were, for

| | |
|---|---|
| Civil, miscellaneous, and foreign intercourse | $2,812,540 40 |
| Military, including pensions - - | 10,603,361 49 |
| Naval - - - - | 3,297,149 69 |
| Public debt - - - - | 20,832 75 |
| Making an aggregate of - - | $16,733,884 33 |

The expenditure required to meet existing appropriations, during the last half of the year, will, as computed, equal the sum of $16,000,000; making, for the whole year, $32,733,884.

Whatever expenditures shall arise within the year, upon new appropriations which Congress may think proper to make, will require a corresponding addition to this amount; but without them, it will constitute an excess of $5,876,565 of expenditures over both the receipts and the balance at the commencement of the year; besides not leaving, at the close of it, any thing in the mint or the Treasury for future uses, or to meet contingencies.

In order, therefore, to discharge that excess, and retain, of the money reserved on the 1st of January, one million, which is the smallest sum deemed proper, under the acts of Congress, for the efficient operations of the mint, and at least three or four millions more to answer sudden and contingent calls, there will probably be a necessity to resort to the deposites now with the States, and to the instalments destined for them in October, or to some other resource, for a sum equal to $10,000,000. By a report of the Treasurer of the 30th ultimo, it appears that the balance in the Treasury, including what was in the custody of banks, the mint, and collecting officers, was then $14,596,311; that the amount of this subject to immediate draft was only $8,928,072; but the whole balance in the Treasury, including all which had been deposited with the States, and ordered to be, though only a small part of the amount is subject to immediate draft, was $41,532,381. Deduct all which has been, and was designed to be, deposited with the States, and there would be no balance left on hand subject to draft, though including every thing in the mint, and in the possession of receivers and collectors, which is applicable to general purposes.

Hence it is probable that, besides the deficiency for the expenditures of the year, no sufficient means of any kind will exist on the first of October next, after defraying the intervening expenses, to complete the instalment of deposites then payable, unless a large part of the bonds for duties postponed to that day, and amounting to near $4,000,000, and the million and a half then due on the first bond from the United States Bank, shall be punctually paid, or, in the mean time, some provision on this subject made by Congress.

The money standing to the special credit of the Post Office Department and the Patent Office, as well as various trusts, is not included in the above exhibit, for reasons explained in the last annual report. Outstanding and unexpended appropriations at the end of the year will, in this view of our financial condition, be still left charged on the Treasury, amounting to about $16,000,000.

This does not differ much from their amount at the close of the last year. Whether the appropriations unexpended on the first of January, 1838, prove, therefore, to be one or two millions larger or smaller than is now anticipated, it must be manifest, from all the above data, that some new legislation is indispensable to complete satisfactorily the service of the year, and leave a suitable amount in the mint and the Treasury.

Indeed, before submitting the last annual report, the indications of a decrease in the receipts, and of an approaching revulsion in our commercial prosperity, appeared so strong to the undersigned, that he felt compelled, with reluctance and regret, because differing so much from the views of many others, to estimate the accruing receipts for the year at only $24,000,000.

As the appropriations asked for were about $27,000,000, it was then suggested that the occurrence of a deficiency was probable. When those appropriations became in fact enlarged by Congress to more than $32,000,000, it rendered a deficiency inevitable, to the extent now anticipated, unless the receipts should happen greatly to exceed the estimates.

## II. On the postponement of the payment of bonds for duties.

The first suggestions which will be submitted concerning such special legislation as appears proper in consequence of the recent embarrassments of the country, relate to the postponement of the payment of bonds for duties.

Early in May last, the collection of the revenue from customs became much obstructed through the severe pecuniary difficulties of the mercantile interest. The Treasury Department felt an anxiety not only to take steps which might increase the security of the Government for eventual payment, but, in an emergency so great, and to many so unexpected, to furnish all the relief from sacrifices which could judiciously be extended under its limited powers, and in anticipation of what would probably be its straitened condition in a few months.

A postponement of the payment of the bonds falling due was, therefore, and in accordance with the views of the Executive, authorized for periods from thirty to ninety days, on interest and additional security, and in a manner more liberal than usual, by permitting it before as well as after suit, in all cases of embarrassment, great hardship, or insolvency.

The peculiar terms, and the reasons for such postponement, are more fully set forth in the documents annexed. [A. Letter from the Secretary of the Treasury to the collector of New York. B. Instructions of the Solicitor of the Treasury.]

When the difficulties in discharging bonds in a legal currency became increased by the suspension of specie payments in some of the principal cities, and the President decided to call a special session of Congress, the postponement was allowed to be extended till after the commencement of the session, in order that an opportunity might be afforded to obtain further relief by new legislation. Urgent requests were made for an indiscriminate delay of payment on all bonds to the 1st of January next, and for the receipt, in discharge of them, of notes issued by banks not paying specie. [See memorials from New York, Boston, and New Orleans, and copies of a reply to one of them, and letter to collector of New York, C, D, E, and F 1 and 2.]

It was not deemed proper to comply with these requests. But as long a delay as our fiscal situation justified, and every relief as to the currency which seemed legal, by the receipt of debenture certificates and Treasury drafts, for duties were permitted, in mitigation of the existing embarrassments.

Having, in this, done all that a sound and liberal exercise of the discretion of the Department appeared either to justify or require, no intention exists, nor would it be proper in the present state of the Treasury, to grant any indulgences beyond those already authorized, without the express direction of Congress.

Some further facts which may be useful to aid its members in coming to a correct conclusion on this subject, are, that the amount of bonds which have already been postponed to the 1st of October, is about $3,500,000, and by that date will, it is presumed, be increased to $4,000,000.

If Congress permit no longer postponement, the receipts for the year will probably be increased by the indulgences already granted, as they have been allowed, generally, on additional security, and always on interest.

But as suits and delays in collection will still occur, though to a less extent than in the first stages of the pressure, it is expected that not over two-thirds of the amount postponed before the close of this month can be collected during the current year.

The bonds already put in suit since the middle of May, amount to nearly $1,000,000. But if Congress extend the postponement till next January, as was originally requested by some of the parties, or for one year, as recently requested by the Chamber of Commerce of New York, (F 3,) the receipts for the present year will probably be thereby lessened from four to five millions.

Should Congress, however, adopt an intermediate course, as an act not of mere benevolence, but of additional relief, which appears reasonable, under the extraordinary mercantile distresses of the times, and more safe to the Government, in respect to eventual collections, it might sanction a delay not to exceed, altogether, six months beyond the original period of payment, in any particular case. It is computed that this would diminish the receipts, during the

present year, about two and a half millions of dollars; but, if granted on the usual terms, would increase the receipts, next year, in a greater proportion, by the interest accruing, as well as by the fuller collections which would probably be made in a greater number of cases.

The opinion of the Department on these various propositions is, that, considering merely our present financial necessities, no further postponement can be regarded as expedient, though in some other respects, as fully detailed in the recent letter from the Chamber of Commerce, (F 3,) the last delay mentioned might be found justifiable and more beneficial. But if a law be passed extending credit on the bonds, it is supposed that, in any correct view of the subject, its provisions need not be continued in force beyond the period when the worst effects of the pressure will be likely to have ceased, and when all imports could, by a further extension of the warehouse system, be advantageously made payable in cash, at the time the goods are wanted for immediate consumption.

The extension of that system is, therefore, respectfully recommended to the consideration of Congress, in connexion with the present subject, as it might introduce as great an improvement in the collection of imposts, as the substitution of cash for credit did in the collection of revenue from the sales of public lands. It would certainly increase the security, ease, and promptitude of the operation; would dispense entirely with the trouble and risk in the payment of debentures; work favorably to the manufacturing interests; and, at the same time, facilitate our trade in foreign articles, as well as exonerate the merchant from many embarrassments in regard to sureties and guarantees.

### III. Obstacles in the way of transferring the last instalment of deposites to the States.

Early legislation has likewise become necessary, either to withhold or postpone, for a reasonable period, the fourth instalment of deposites with the States, or to furnish such aid as may be necessary to complete them in a satisfactory manner.

By the general suspension of specie payments, and the consequent necessity, under the deposite act, to discontinue most of the public depositories, the transfers from the banks in the West and Southwest to the seaboard, which were necessary to place much of the money in a position to be conveniently lodged with the States in October, have, in several instances, been defeated. They had, as in case of the former instalments, been ordered seasonably, though, as a general rule, only where rendered proper, in consequence of a great accumulation of public funds in an unfavorable situation, on account of the course of trade and exchanges, to be paid directly to the respective States. But, in the troubled condition of the money market, they had not been injuriously hastened as to the time of payment, and, consequently, falling due in the course of the summer and early in autumn, near two-thirds of the whole amount of these funds still on hand have been detained in the West and Southwest, where they had so unusually augmented from the large sales of public lands. Hence, if the last deposite with the States was, in this position of the money, to be attempted, the orders directing it must, in many cases, be made on places remote, and very inconvenient to some of the receiving States, on account of the unfavorable balance of trade, or the rates of exchange; and must be met, if at all, in a currency unacceptable and greatly depreciated. Transfers of portions of the July instalment could not, from the same cause, be effected in the precise mode intended, nor from the banks most desirable, though much of it had reached the appropriate points, to render the operation easy, before the suspension of specie payments. In all cases in which they were not offered to be paid in a currency satisfactory to the States, their agents were requested to return the orders of transfer till Congress could make new and suitable provisions on the subject. [See form of letter and postscript to States, G.]

But this request has not always been complied with. About $1,165,575 of that instalment has not yet been receipted for by the States to the Treasury, nor the orders returned. On the contrary, the United States Bank, chartered by the State of Pennsylvania, has lately become the purchaser of several of these orders, though not given by any debt, but merely directing a transfer from one public depository to another. This institution has demanded of the banks on which they are drawn that payment should be made to her in specie; and, on their failing to do so, has caused the orders to be protested. Under these circumstances, and, as the deposites with the States were to be made of what was in the Treasury, and consequently in the banks, on the 1st of January last, it is for Congress to decide whether payment shall be made of any of those orders in a mode and currency different from the rest of the third instalment of deposites with the States.

Another reason for withholding or postponing the October deposites, or for some legal provision to aid in completing them, is, that a sum equal to the revenue probably accruing, and a large portion of these deposites, had, before they were payable, been expressly appropriated by Congress to other objects. When looking to the rapid decrease in our receipts, to the expected deficiency in the course of the year, and the great amount of outstanding appropriations which, at the close of it, will be left unpaid, much of that whole instalment seems likely to be needed at an early day. By either of the first two measures, the money could, according to its original destination, be applied to the necessary wants of the General Government, as soon as it can be drawn from the banks in legal funds. In that way, so desirable an object would also be accomplished, without the expense and delay of the money being first paid over to the States, and then subjected to an early recall. On the other hand, several of the States might, in the present posture of their affairs, experience considerable inconvenience, either by not receiving it, or by soon refunding a large portion of its amount; and many of the banks which hold it might be able more satisfactorily to pay it to the States than to the Treasury. But, though the subject is one of much delicacy and difficulty, and peculiarly proper for the final action of Congress, it may be expected that this Department should express some opinion as to which course appears most eligible in the present condition of the finances. It is, therefore, with deference, suggested that, when regarding their condition and the importance of meeting with efficiency and good faith all the obligations of the Government to the public creditors, it would be most judicious to apply the whole instalment, as fast as it is wanted and can be collected, to the prompt discharge of these obligations; and that the last deposite with the States, not being a debt, but a mere temporary disposal of a surplus, should be postponed until Congress, in some different state of the finances, when such an available surplus may exist, shall see a manifest propriety and ability in completing the deposite, and shall give directions to that effect. Consequently no further steps will be taken as to the deposite of any part of that instalment till Congress has had an opportunity to act upon the subject in such manner as, in the present posture of affairs, its superior wisdom may consider preferable.

### IV. Difficulty in paying the appropriations, and on the issue of Treasury notes.

Some further obstacles exist in the way of discharging satisfactorily all the appropriations which have been made by Congress.

The effects which may be produced upon the accruing revenue, by granting or withholding further delays on bonds for duties, have already been explained.

In addition to these, there is a likelihood, in the present

pressure, that the payment of cash duties, to the extent of one million of dollars more than usual, will be unavoidably deferred to another year, as the importers, under the existing laws, are entitled to certain delays, by keeping in store the woollen goods which pay such duties.

This circumstance, in connexion with the difficulty of collecting the bonds, whether longer postponed or not, will sensibly increase the embarrassments which have been specially pointed out, and otherwise exist, in paying with promptitude and in a legal manner the large appropriations chargeable upon the residue of the current year.

Hence, after a considerable deficiency in the available means became highly probable, it was deemed expedient to adopt any judicious and lawful measure to remedy it, which was within the power of the Department. Accordingly, though large quantities of public lands were still in market unsold, and though the receipts from this source during the year would be higher than anticipated, in consequence, among other things, of a construction put upon the pre-emption laws, admitting a large class of settlers to entries, it was supposed that some further tracts, in places much desired by the new States, might prudently be offered. A few such have been advertised; but sufficient time, after due notice, has not yet elapsed to realize any thing from them.

If the fourth instalment of the deposites with the States be deferred, and the difficulty in seasonably transferring it be thus removed, yet, being chiefly in the custody of banks not paying specie, it is manifest that it cannot be immediately realized in funds suitable to meet existing appropriations. If it be not deferred, some further provision will be still more indispensable to enable the Treasury not only to place it with the States, but to pay all the public creditors and officers in a satisfactory manner, until the duties now due from the merchants, and the funds now in the discontinued deposite banks, can be collected. It is true, that a resort to the States for refunding portions of the large sums already deposited with them would also remain by law; but under the limitations of the act of June, 1836, it would be very slow in its operation, and, if complied with, would prove entirely insufficient to answer such an urgent occasion as the present. During the ensuing quarter, the whole amount that could be legally recalled would not exceed six hundred and fifty thousand dollars. Hence it seems expedient, either in aid or exclusion of a requisition on the States, (as may be deemed most suitable by Congress,) to provide some temporary resource until enough of the fourth instalment, or other means in the Treasury, can be rendered available to discharge all the public engagements. It need not be a loan, or an increase of taxes of any kind, as the General Government, in respect to its finances, (whatever temporary embarrassment the recent convulsions in commerce and banking may have created,) is far from having any just cause for despondency. It is neither overwhelmed with a national debt, nor destitute of large pecuniary resources on hand; but, entirely free from the former, it is so amply supplied with the latter as to have in the Treasury over forty millions of dollars, and eight or ten millions more in bonds, which will soon become payable. But a large portion being in deposite with the States, and the residue chiefly in banks and in the hands of merchants, under the difficulties before named, in procuring promptly, and in a legal currency, the amounts of money which are needed, some collateral aid, for a short period, till a sufficiency can be collected, appears to be judicious, if not indispensable.

It is fortunate that the energies of the country generally are not paralyzed, nor its prospects clouded by any great physical calamities; and hence its immediate wants can, without doubt, be provided for in various ways.

One mode would be to authorize the issue of Treasury notes, receivable for all public dues, but without interest. These would differ from the drafts or checks now in use only as the latter are given for immediate payment, and drawn on persons and banks having public money sufficient to meet them; and, consequently, the holders must be exposed to the trouble and expense of presenting them at the places where payable. Still they are nearly on a par with specie. In the present deranged state of bank paper and exchange, and in the favorable condition of the General Government, by its ample resources and exemption from pecuniary liabilities, to impart the greatest confidence in respect to the redemption of such notes, it is probable that they would readily be taken at par by most of the public creditors. Especially would this be likely to happen, provided they were issued in denominations as low as twenty, fifty, and one hundred dollars; and not in too large quantities, but used only in anticipation of the accruing revenue on occasional emergencies, and to a limited amount.

Contrary to expectation, should the Department, during the present delinquency of many of the public debtors, be exposed to such very large calls, and collect so little revenue, as not to be able, by both the above notes and drafts, to meet all its engagements in a satisfactory manner, it would be desirable that the President should possess a contingent authority to cause Treasury notes to be issued, bearing an interest not to exceed six per cent.

Specie could always be raised on these for the public creditor, when he preferred it. But as notes bearing much interest would soon cease to be used in circulation, (and if they should not, would, as a currency, be troublesome in the computation of interest, and too strongly tend to exclude specie from the country,) it might be advisable not to make them receivable, at first, for any public dues, but only to resort to that measure afterwards, when it should be found convenient for redeeming them.

In connexion with the issue of any Treasury notes, it is believed to be wise to make ample provision for their early and final redemption. This could be accomplished by enacting, that when the money on hand in the Treasury and the mint, available for public purposes, may exceed a given amount of four or five millions, it shall be the duty of the Secretary of the Treasury to cause these notes (securing priority to any on interest) to be redeemed to such an extent as the surplus may exceed that sum, and what will probably be needed to defray current expenses. It being believed that a reduction of the tariff, and suitable regulations concerning the sales of public land, ought at a proper time to be put in force, so as to prevent any large and regular accumulation in the Treasury, the Department would respectfully propose that, in case of any unexpected excess beyond the sums above specified, it should merely be invested, in a temporary manner, in safe State stocks, at their market rate, subject to be sold again whenever the proceeds shall be wanted to discharge existing appropriations.

An additional consideration in favor of those measures is, that since the payment of the public debt, which absorbed any occasional surplus of receipts, it is impossible, according to the views expressed in some previous reports from the undersigned, that, with sources of revenue so fluctuating as ours, and so dependent on commercial prosperity, any fiscal operations should be long continued with ease, vigor, and uniformity, without some such regulator as a power to issue and redeem Treasury notes, or to invest and sell the investment of surpluses. By any other course we should constantly be exposed to great deficiencies, or excesses, with all their attendant embarrassments. If depositing the excesses with the States, subject to be recalled to supply deficiencies, the pecuniary profit to the whole Union will be no greater, while such a course may involve us in a series of vexatious demands on them, accompanied by various dangers, both to them and the Gen-

eral Government; and, in the mean time, it is feared will, in many instances, tend to excite excesses and evils similar to some of those under which the country is now suffering.

V. On the safe-keeping of the public money hereafter.

The arrangements for keeping the public money which had been in successful operation for a few years previous to the passage of the deposite act of 1836, became partially embarrassed by carrying into effect some of its provisions. But the enforcement of them all, where not entirely perfected, was in seasonable progress in May last, when the Department was compelled by the act to give notice to such of the selected banks as had suspended specie payments that they could no longer be considered as general depositories of the public money. [See circular I.]

A list is annexed of all before employed in that capacity, which have been discontinued. [K.]

After due inquiries to procure other depositories, in conformity to the act, the Department has completed the appointment of only one. This, and four more that have not suspended, with one that has resumed specie payments, (making six in all,) constitute the present bank depositories for general purposes. A schedule of them is added. [L.]

During the inability to obtain specie-paying banks at other points, the Treasurer, being required by the closing part of the eighth section of the act, to keep and disburse the public money according to the laws before in force, has done it in conformity to the very wide discretion which existed when no rules were in force, that had been prescribed by Congress, except to "keep" and "disburse the same" under the general superintendence of the Secretary of the Treasury. A part of it has, therefore, been kept in special deposite in this city, a portion of it in the mint, and the residue with the officers collecting it, until it was wanted for public purposes, or until it accumulated in such sums at any point as not to be, probably, wanted there for such use. [See two circulars, M and N.] In the first case it has, from time to time, been applied to the payment of creditors, by drafts on the receivers or collectors; and in the last, the excess has been directed to be temporarily placed with banks not remotely situated, and in special deposite for safety, until wanted for expenditure elsewhere, or until some new legislation shall take place in relation to it.

Under these circumstances, the Department would respectfully suggest some provisions which may be more specific, and may be required for the safe-keeping and disbursing of the public money.

In the present condition of the Government and the country, two systems are proposed, either of which, it is believed, may be practicable and adequate to the exigencies of the crisis. One is, an enlargement and adaptation of the system partially employed since the suspension of specie payments, so as to make it answer all necessary purposes. This could be effected merely by assigning to our existing officers and establishments some additional duties.

The Treasurer, at the seat of Government; the mint, with its branch at New Orleans, and another which has been contemplated, and is much needed, at New York, for other purposes; collectors of the customs, and receivers of money for the sales of land, as well as postmasters, might all be directed to keep in safety, not only the public money collected by them, but all actually placed in their possession, by transfer or otherwise. As fiscal agents, they might also be required to pay over and transfer it for such public purposes as may be authorized by Congress, and under such regulations as the Treasury Department from time to time may prescribe. Indeed, the third section of the post office law of 1825, with the bond taken under it as to the agency of the postmasters, is, perhaps, already sufficiently broad for that class of officers. At points like New York, and a few others, where a likelihood existed that the sums would permanently be large, but which, under a reduced revenue and expenditure, would seldom occur, authority might be given to appoint the clerks now acting as cashiers or tellers under the collectors and receivers, or other more suitable persons, to act as keepers and paymasters of the public money. But they should be made independent of the collectors and receivers, and placed under the like tenure of office, and under suitable bonds. Additional means of safety, and such additional but limited compensation to any of the above officers, might be provided, as the increased risk and labor might render just; but in only a few cases would these last be much augmented at any place.

Taking the year 1834 as furnishing a specimen sufficiently large of the probable business in future connected with the general operations of the Treasury Department, but, of course, not including the separate establishment of the post office, the whole number of warrants issued in that year was a little under five thousand, and, though differing much in actual amount, averaging about $5,000 each. This would be less than twenty warrants a day, and hence would require less than one per day to be paid in each of the twenty-six States. They differed, in fact, from four per day in this District, and two per day in New York, which were the highest numbers, to only one per week in several of the States. [See table P.] The business at each office daily, or even weekly, in making payments of the drafts, would therefore, be very little. If more than one draft issued on a warrant, the business would be increased in that proportion, unless the whole payments were reduced, as is probable, hereafter to sixteen or seventeen millions yearly.

In regard to the risk, five millions in the Treasury at any one time, if all placed in the hands of collectors and receivers, would not, on an average, exceed $30,000 with each of the present number.

But if the amount, besides one million in the mint, was chiefly in the hands of half the present number, which would approach nearer to the probable result, the sum with each would still be less than most of the existing bonds of receivers; and when exceeding theirs, or those of the principal collectors, the excess, in most cases, could be readily prevented or reduced, by being drawn out to pay creditors, or be conveniently transferred to the Treasurer of the United States, at the seat of Government, or to the mint and its branches. Until one of the latter is authorized at New York, the substitute before mentioned, of one of the present officers in the customs there as an independent keeper and paymaster of the public money could be adopted, and, if deemed prudent, be extended to any other similar place.

In this mode, the present number of officers connected with the collection and disbursement of the revenue throughout the United States need not be at all increased. Nor will it become necessary, except in a few cases, to augment their compensation. Twenty or thirty thousand dollars a year would probably cover the whole additional expense of every kind.

The other system to which the attention and consideration of Congress are respectfully invited, is a new organization, by means of commissioners or receivers general, to gather the collections to more central points, and keep and disburse there a large portion of the public money, or such as could not be kept safely and expended conveniently in the hands of the collecting officers. Such an organization might be at only three or four of the most important points; or it might be made more extensive, and the number enlarged to eight or ten. This could be arranged, in all important particulars, substantially in the manner which is now in very successful practice in some of the most enlightened and opulent Governments of Europe, and as was urgently recommended by this Department as early as

1790. [See extract O.] The only material difference need be, to pay out more of the money near the places where it is collected, rather than first to transmit most of it to the seat of Government. This organization of fiscal agents would be advantageous as a separate establishment for this business alone, and as an independent check on most of those collecting the revenue. But it would require some addition to the present number of officers, and in the first instance would more increase the public expenses.

But the whole addition of principal officers need not exceed ten. Nor would the increased annual expense to the Government probably amount to over fifty or sixty thousand dollars, as the system would enable both the War and Navy Departments to dispense with several of their agents for making local disbursements. The danger of any losses will be nearly the same under both plans. It is impossible to conduct the affairs of Government, or the ordinary transactions of society, without trust and risk of some kind. But one great object, wherever pecuniary confidence is reposed, should always be to require the best safeguards which appear reasonable; and in either of these systems, as hereafter explained, the amount trusted can be more easily kept from becoming excessive, and the hazard of losses, affecting the deposite agent by his lending or trading, be fully obviated, by the strict prohibition of both the latter under severe penalties.

Our direct losses from either collecting or deposite agents have always been comparatively small. Those by the former, it is believed, have not equalled those by the latter, though the latter, being banks, have usually in the end paid most of their deposites. The losses by the former are also supposed not to have exceeded one-fifth of those on the bonds of merchants for duties, and probably not one-eighth of those from the purchasers of public lands, under the credit system.

Occasional and strict examinations of the money on hand, where large in amount, would furnish a strong safeguard beyond the character of the officer, and the property of himself and sureties, and which it might be provided should be made by a committee of Congress, or in any other mode deemed most eligible to constitute an effectual check.

The plans which have been explained as to fiscal agents, re suggested for consideration, under a belief that either is appropriate in the present posture of affairs; that they require but slight changes in our existing laws or usages; and, whatever objections can be adduced against them, will, at the same time, be found to possess many signal advantages.

They will not, so much as some other modes of keeping the public money, expose the Treasury to disappointments and delays, through a dangerous partnership of interest, or the use of that money for private or corporate purposes. As the vicissitudes of trade or speculation affect the persons who borrow from the public banking depositories, the evil consequences must sometimes inevitably reach and embarrass the Treasury itself. Nor, on the other hand, will these modes, like our former one, cause frequent injury to those who, trading on the revenue of the Government, are subject to be most pressed to refund it when least able. It is believed, likewise, that the funds of the Treasury can be always more readily commanded in a legal currency, and the hopes of its creditors not defeated, nor its faith violated so often, if the money is not loaned out, either in full or in part, but, as in other countries, is retained in specie or its equivalent, and in the actual custody of officers exclusively fiscal. In other countries, the public money is believed to be seldom, if ever, chargeable to the Treasurer, till it is either paid over on some draft, so that he can get credit for the payment, (and which mode is practised somewhat in England, as well as here, and extensively in France,) or lodged, not in deposite in any bank, but in his own possession at the seat of Government. In the former mode, the systems now proposed, and especially the first one, would operate so as to disburse at each point most of the public money collected near, and would thus enable the Treasury to command its resources with less delay; the money not being previously paid over at some distance, and to a separate set of agents, as has usually been the practice here in the use of banks; nor much of it transported inconveniently to the capital, as has usually been the practice elsewhere. This mode would thus possess one of the greatest excellencies in any fiscal system: which is, to pay over quickest to the public creditor, and with the least official complexity, whatever is collected from the public debtor.

Besides these advantages, others would be, that the money in the Treasury, under both of the plans submitted, can always be more easily kept down to moderate dimensions, by reductions in the revenue, and by temporary investments of an occasional surplus, as there will be no antagonist interest connected with it, wishing for loans and the use of surpluses, and thus co-operating to prevent a reduction.

The existing establishments and officers, whenever convenient, would be employed without a double machinery, or the organization of a new system of agents. Executive control would be diminished rather than increased by them, because any additional officers will be selected, not by the President alone, nor the Treasury Department, as the banks now are, but virtually be designated by Congress, and the principal incumbents appointed by the consent of the Senate. They would also remove all ground for the objection sometimes urged against the former system, that the Executive alone exercises an extensive patronage and great moneyed influence through a host of bank presidents, directors, and stockholders, scattered through every section of the country, and selected without the assent or check of either House of Congress in any particular case, and making loans of the public money from considerations merely political or official. A very wide discretion will be thus restricted, and a prolific source of suspicion and imputation of favoritism and partiality be entirely stopped.

The officers, under the plans proposed, will likewise be amenable exclusively to the General Government, and not be embarrassed, like the officers of the banks, by conflicting duties and interests in respect to the States; nor involved in those collisions, jealousies, and recriminations, often attendant on that position.

The independent and harmonious action of each Government in its appropriate sphere will thus be more fully secured. The local institutions, as a general principle, will be left to the care and uses of the several States which established them, without interference on the part of the General Government, and to be regulated or discontinued, as deemed most useful, under their own State policies, and most conducive to the original purposes of their creation. Nor would any general moneyed corporation, aside from the grave doubts which exist as to both its constitutionality and general expediency, have been likely in such a crisis as that of the war of 1812, or perhaps that of the last spring, to have proved a much safer public depository than those local institutions. Though more convenient in form for fiscal purposes than they, and free from some objections as to want of symmetry and accountability which obtain against them, yet, if chartered on usual principles, and judging from experience here as well as abroad, it must have failed, in a trial like those, to have sustained either our pecuniary operations, or its own, in strict good faith and in due vigor.

Without entering into details to illustrate this position, it is necessary to notice only the single circumstance, that the Bank of England, during a severe war, suspended specie payments near a quarter of a century, and that

neither of the two United States Banks existed so as to be obliged to encounter such a peril. But since the last spring, the notes of the second one, to the amount of several millions, have been allowed to sink into the mass of irredeemable and depreciated paper, though issued under all the high securities and sanctions of a charter from the General Government, and with very large funds, still under the control of officers and trustees deemed by the stockholders exceedingly skilful, and bound by both law and contract to redeem those notes in specie, and on demand.

The systems which have been proposed in this report, if adopted, could not be expected to continue entirely exempt from losses by that unfaithfulness or casualty to which all trusts in human affairs are exposed. But they may be surrounded with strong safeguards, and would very probably soon be enabled to answer in a satisfactory manner every purpose of the Government, in its condition so different in many respects from that which formerly existed, and which was the paramount cause urged for the incorporation of our two former United States Banks. Its finances are not now burdened with a national debt from seventy to one hundred and thirty millions, and, besides our ordinary expenses, with the annual payment, on account of principal and interest, of from ten to sixteen millions, to be first widely collected, and then transferred and disbursed at only a few points on the seaboard. It is now with a yearly revenue, reduced from thirty and forty millions to near twenty, and probably soon to be only sixteen or seventeen, and with a course of expenditure which can readily be diminished so as not much, if any, to exceed the revenue in a natural state of business. In large sections of our country, and in such a state of business, this expenditure happens nearly and very conveniently to correspond in amount with the receipts in the same sections.

We are, likewise, reposing in peace, with very superior means of communication, whether by mail or personal intercourse, and with a greatly increased and increasing portion of gold in the currency, to render distant transfers and payments more easy. It is manifest, therefore, that our fiscal concerns will be greatly lessened in amount as well as difficulty, unless we shall be visited by wars or other scourges, involving us in debts and embarrassments of an aggravated character, and which, fortunately, no sufficient reason appears for anticipating at an early day.

Under the proposed arrangements, the transfers from certain points could be often effected, when required by the Department for public purposes, not only with ease, but so as greatly to facilitate the domestic exchanges, in the mode of employing drafts suggested in a subsequent portion of this report. In a more natural and ordinary state of receipts and expenditures, like that in 1834, the transfers required to a great distance would not exceed two or three millions during the year, and almost the whole of them were, at that time, in such a direction as to yield a profit rather than be expensive to the banks which made them.

If the Treasurer were required to receive payment in advance, at certain convenient points, for all lands sold, as has once been the construction of the act of 1820, the probability is, that very soon all the unfavorable transfers rendered necessary would become quite unimportant in amount, and less expensive than the transportation of specie and paper has been heretofore, from the distant land offices to the nearest deposite banks, before much of it was paid to the public creditors. It will be seen that, by these modes of keeping the public money, it would not be indispensable to employ any banks as a prescribed part of the system, although it might sometimes be convenient to use them as individuals do, and as subordinate fiscal officers often do in other countries, for the deposite and transfer of large sums, and particularly for special deposites, when looking merely to safety and early occasion to use the money.

No act of Congress, until the charter of the last Bank of the United States in 1816, required the public money in the Treasury to be kept on deposite in any bank whatever. The whole subject was left to the discretion of this Department. Even that charter permitted the Secretary of the Treasury to remove the deposites from the Bank of the United States when he thought proper.

In the supplemental report from this Department, in 1834, on the keeping and disbursing of the public money, a state of things like the present was adverted to and considered. It was observed, in regard to such an occurrence, that it will then "become necessary to devolve these duties on some receiver or collector already in office, or on some safe agent not now in office, as has been the practice for years in this country in paying pensions at convenient places, near which there was no State bank or branch of the United States Bank, and as has long been the usage in some countries of Europe, by having the revenue in certain districts chiefly received, kept, and transmitted through private agents and brokers."

But it was added, that "though the fiscal operations of the Government could, undoubtedly, still proceed through the personal agencies before mentioned," and without any banks, State or national, yet "it would be at some inconvenience and increase of expense, unless remedied in a manner that may hereafter be developed, and would not, in the opinion of this Department, and in the present condition of things, be so eligible a system as the present one; because banks, though exposed to some dangers and evils, and though not believed to be necessary for the fiscal purposes of any Government, and much less of one in the present happy financial situation of ours, are frankly acknowledged to be in many respects a class of agents economical, convenient, and useful."

The use of State banks had then been adopted, and was proceeding satisfactorily. For more than two years after, it continued to be in successful operation, so far as regarded both convenience and safety. But now, most of the State banks have ceased to pay specie even for their notes, and many have paid out, if not issued, small bills, so as not to be in a situation either to be retained or to become fiscal agents, in conformity to the requisitions of the deposite act. A few others, who are in a legal situation to be selected, decline to receive the public money under some of the conditions prescribed by the act.

Nor is any national bank in existence, or, independent of its inexpediency in a political view, supposed to be capable of being established constitutionally. Hence it is respectfully submitted to Congress, under all the above considerations, whether the early adoption of one of the plans proposed is not proper, and would not be highly conducive to the public interests.

### VI. Settlement with the former deposite banks.

Another subject that appears to require the early action of Congress is, the further indulgence which it may be proper to extend to such of the former deposite banks as are still indebted to the United States.

The facts which are supposed to be necessary to aid Congress in forming a correct decision on this subject will be fully submitted. The perils to which those banks were exposed, had caused to the Department much solicitude for several months before the suspension of specie payments, and led to some precautionary suggestions which it felt bound to make to them, so far as appeared consistent with the usual principles of banking in this country, and not calculated, by creating sudden alarm, to hasten the catastrophe that has since happened.

Besides the general cautions with respect to the excesses of bank issues, and the dangerous consequences likely to ensue, which were detailed in the last annual report from this Department, several instances occurred where the

course of the business of some of the depositories appearing from their returns to be injudicious, special letters of advice were deemed proper, and were written. A rigid system in requiring additional specie was also pursued in all cases of unusual deficiency. In regard to the effect of these steps on the banks, it affords the undersigned pleasure to add that, from the completion of their selection after the deposite act passed, to the last returns before their suspension, a great reduction in the circulation as well as discounts of many of them had taken place, and, in several cases, a much larger proportion of specie was kept on hand. Indeed, considering the extraordinary amount of public money paid out by them between last November and May, amounting to near twenty millions more than their receipts during the same period, it is a fact highly creditable to their prudence and ability, that the specie of all was reduced only from a bout fifteen to thirteen millions, and their circulation, instead of increasing, fell from near forty-one to thirty-seven millions.

As a whole, their specie, compared with their circulation, continued to be almost as large in May as in November. It averaged more than one to three, or much more than has been customary with the banks in this country, and was over double the relative quantity held by all the banks in England at the same period, and was in a proportion one-fourth larger than that in the Bank of England itself. Their immediate means, compared with their immediate liabilities, were somewhat stronger in November than in May, but were at both periods nearly 1 to 2½, or greater than the usual ratio, in the best times, of most banks which have a large amount of deposites in possession. [See table Q.]

In this condition of things, the suspension of specie payment by the deposite banks was an event not generally anticipated.

The policy since pursued by most of them has been favorable to an early discharge of their engagements to the Treasury, and to a resumption of specie payments. Many have gradually reduced their discounts and circulation, as well as paid over much of their public deposites. This may be more fully seen in the tables annexed. [Statement of a few heads of condition in November, March, July, May, and August. See Q.] Since the 1st of May, their discounts, as a whole, have been reduced about $20,388,776, their circulation $4,991,791, and their public deposites $15,607,316; while their specie has diminished less than $3,000,000. Of the number of eighty-six banks employed at the time of the suspension, ten or eleven are supposed to have paid over all the public money which was then in their possession, to the credit of the Treasurer. In the custody of more than half the others, an aggregate of less than $700,000 remains unadjusted. Several of the rest still possess large sums; but many of them have continued promptly to furnish such payments from time to time, for meeting the public necessities, that, according to the last weekly statement, the whole balance to his credit, which remained unpaid in all of them, was only $12,418,041. The amount thus retained by each may be seen in the schedule annexed, [K.]

The course adopted in respect to the deposites of disbursing officers, after the suspension of specie payments, and with a view to safety, as well as to encourage the early resumption of such payments, may be seen more fully in the documents annexed. [See circular S.]

It was considered proper to proceed, and attempt to withdraw all the public money from the discontinued agents, as fast as it was wanted for public purposes, and as new and suitable depositories could be procured to receive any thing obtainable beyond such amount. But while the former agents appeared to be secure, and to be making proper efforts to meet such calls, it seemed more conducive to the eventual safety of the money, and more consistent with true wisdom, as well as the convenience of the Treasury, to refrain from unnecessary prosecutions and costs till the early session of Congress, which had been called, in part, for the consideration of this subject. On the contrary, when any of the banks persisted in neglecting to pursue the prudent course of curtailment, and in making no reasonable efforts to discharge the drafts on them in an acceptable manner, the Department considered it a duty, however unpleasant, to deliver their agreements and bonds to the Solicitor of the Treasury for suit. This has already been done in nine cases; in some as a matter of precaution, to obtain additional security beyond what had been given; and in others, to take the preliminary steps for an action against the sureties as well as the principals.

Some of the additional banks, rendered necessary to carry into effect one of the provisions of the late deposite act, have, on this occasion, proved the least prompt and efficient in meeting their obligations. But though the losses of a few may be severe, and considerable delay may arise in discharging their engagements; and though it has been proper, and has evinced a commendable state of moral feeling in many of them, to strike at the root of the present excesses in paper, by curtailing largely both their issues and discounts, and thereby to make serious sacrifices; yet the condition of them all appears to be such as will, with the collateral security taken, in most cases, render the United States probably safe against any ultimate loss. Considering the wide-spread pressure of the times, which had involved some of the banks, as well as their debtors, in extraordinary embarrassments; and that the public money, as a general rule, had previously been called from them only in moderate sums, as needed for expenditure and transfer, it was not to be expected that several of them would be able to pay over at once, and in specie, the whole of the large amount then in their possession.

More especially was this not to be expected, when, from the great accumulation of deposites, the specie of all of them at the time of the suspension, as well as for many months before, though larger than the proportion held by most other banks, did not equal, and could not, without making a sudden and great change in the practice under our whole banking system, equal one-half of their indebtedness to the Government alone. It is presumed that a considerable portion of the money since, as well as formerly, paid by the banks on transfers and drafts, has not been demanded nor paid in specie.

But no persons have been required to accept any thing else, nor, according to the views of the undersigned, could they be, without a violation of law and sound policy.

The drafts of the Treasurer for debts, when drawn on banks and not discharged on presentment, have, under instructions from this Department, been often taken up in its behalf by the collectors and receivers, in order as much as possible to relieve the public creditor from delay and loss. [See F, and circular instructions T.] New drafts, when the first ones were not paid in an acceptable manner, have also, in some cases, been given on other depositories, and have helped to promote satisfactory adjustments.

Since the discontinuance of most of the banks as depositories, this Department has also found the use of drafts made directly on receivers and collectors very acceptable to most of public creditors; and by the specie fortunately then on hand, and since collected by the receivers, with a part of what was before in the mint, and some occasionally supplied by a few of the banks and collectors, a large amount of claims has been paid, and the Treasury is ready to pay others in it, so far as practicable, at points and in a manner convenient to many. But, till the indebted banks resume specie payments, or increased collections can

be made in specie of what is due from them and from the merchants, it must be obvious that the Department, however anxious to pay all the public creditors and officers in specie, when demanded, is unable to accomplish so desirable an object.

This is one of the evils incident to the existing state of the moneyed concerns of the country, and which cannot be remedied, unless Congress furnish additional means, until specie payments are generally resumed. Some intermediate losses, by a depreciation of bank notes, must, therefore, fall on those, whether creditors or officers of the Government, who consent to take them rather than submit to delays in payment.

Hence it seems highly reasonable that the Government should hasten, as fast as possible, the restoration of specie payments, at least by its former fiscal agents who are still in its debt.

This would put an end to such losses. It also seems proper that those deposite banks which have not generally answered the demands on them, but have continued to receive full interest on the deposites they had loaned out, should be required to pay it on the sums still retained, and from the periods when they failed to fufil their obligations to the Treasury. It is manifest that the members of Congress, coming from every section of the country, would be the best judges of what further lenity or severity might properly be exercised towards them; and, knowing more intimately the causes and consequences of the suspension of specie payments by the banks in their respective neighborhoods, can decide with greater accuracy whether any indulgence could hereafter be extended to them appropriately, except on the condition of an early resumption of specie payments, and an allowance of interest during any delay in meeting their fiscal engagements. With the means of information possessed by the undersigned, he does not hesitate to express an opinion that it should not be done without a compliance with such conditions. As further evidence of the ability of most of them on this subject, it will be necessary only to advert to the abstract of their last returns, which has been previously annexed.

From the mode of doing business in the Southwest, by making much of their circulation not redeemable at home, but at distant points, and providing for it there by bills of exchange, (so many of which, during the past season, have failed to be paid,) the situation of several of the banks there is least eligible, not only for an early resumption of specie payments, but for a speedy and satisfactory adjustment of their debts to the Government. But in the Western, and probably in the Eastern and Middle States, if not elsewhere, the ability to sustain such payments appears, by their returns, much greater than has been customary in this country. Their specie, compared with their circulation, is as one to two, and one to three; and their immediate means, compared with their immediate liabilities, are over one to three. Hence it has been hoped that the efforts which the banks were bound to make would lead, in most places, to the desirable events above mentioned, without very long delay. [See circular V.] The objection usually urged against an early resumption, that the unfavorable balance of trade against this country would, in that event, cause some of the specie in the banks to be drawn out and shipped, will, however true in point of fact, possess much less force when it is considered that the delay hitherto has not prevented the export of specie. On the contrary, considerable sums, which were in ordinary circulation, have, since the suspension, been withdrawn, and a portion of them sent abroad, while their place is badly supplied with depreciated paper. So happily adjusted, however, are the laws of trade, even in their influence on the precious metals, that while our custom-house books show an export since the 15th of May last, chiefly to England and France, of $3,708,320 of specie, they show during the same time imports, chiefly from other quarters, of $3,140,020. Though the actual imports and exports have both doubtless exceeded those amounts since that period, and the ratio of difference has been somewhat greater, yet the total drain has been much less than many have imagined, and produced less effect on the general ability of the country and the banks to have specie payments resumed and successfully sustained. Congress having power to pass a bankrupt law, it would be worthy of consideration, if the power be ever exercised, whether all banks, and in any event, as recommended by Mr. Dallas and Mr. Crawford, all employed by the Treasury, should not be subjected to its provisions, and, on any important and deliberate failure in their pecuniary duties, be compelled at once to close their concerns.

In respect to the banks in the District of Columbia, as well as others connected with the General Government, it seems desirable that the measures adopted in relation to them, by Congress, should have a strong tendency to encourage the earliest resumption of specie payments which is practicable and safe. For this purpose, little doubt can exist that, while those measures will be the most salutary which shall evince a due liberality and forbearance to the extent really required by the crisis, they should, beyond that, be rigorous in exacting the adoption of such steps as are sanctioned by the sound principles of currency and the public faith. They will then help, at an early day, to relieve the community, as well as the Treasury, from a condition of the circulating medium, which, so far as it consists of bank paper irredeemable in specie, is one of the worst scourges which can be inflicted on society. It is no less hostile to the best maxims of political economy, than usually subversive of every just sense of both moral and legal obligation.

### VII. On the money receivable for public dues.

The kind of money or currency receivable for public dues is another embarrassment, concerning which legislation has been deemed proper by many. A change in the existing practice has been requested by others, without legislation. But, since the suspension of specie payments by the banks, no change which should sanction the receipt of bank paper not redeemable in specie, has been thought either prudent or permissible by this Department. Nor will such a one be adopted without the express direction of Congress. [See F 1, 2.]

Believing that specie is the best standard, and the only one contemplated by the constitution, for the public revenue and expenditures, as well as for the value of contracts and property, every departure from it for those purposes is deemed by the undersigned pernicious, if not unconstitutional. The question as to the expediency of using any other medium for a currency is of a different character, and more complicated. But the ruinous consequences of a resort to continental money, bills of credit, or any species of paper not redeemable in specie, and which had been developed in our own experience, as well as in the soundest theories of political economy, were undoubtedly a principal cause for those rigid provisions in the constitution connected with the currency. They restrict any State from issuing mere "bills of credit," from making any thing a tender "except gold and silver," or passing any law "impairing the obligation of contracts," as well as confine to Congress alone the power "to coin money," and "regulate the value thereof." The exercise of this last power, manifestly relating only to metallic money, appears to require merely the coinage of a sufficient supply at the mint, and in convenient denominations for all necessary purposes, and of such an intrinsic value as, while preventing it from being depreciated on the one hand, should, on the other, not be so underrated as to cause it to be readily exported, or melted down for use in manufactures.

The whole amount necessary for public payments has been much misapprehended. Without a surplus in the Treasury, it would seldom exceed eight or ten millions of dollars, even if no evidences of debt, or any kind of paper money, were receivable. Like a running stream, the coin which flows in as constantly flows out, without much accumulation; one dollar helping to perform, in a single year, the service of payment and repayment numerous times. Indeed, the people of the whole United States do not, in a sound state of business and prices, need over one hundred and ten millions of an active circulating medium for all their currency. This would be a larger portion of currency to our present population than the average has been from the adoption of the constitution; and, if an exclusive metallic currency could be deemed desirable, would require only about thirty millions more than the specie which is supposed now to exist in the country. But the present quantity of specie being divided pretty equally between the banks and individuals, not half of it is in active circulation; and, unless it becomes increased, and much more equally diffused, some paper is, of course, necessary to prevent a sudden revulsion in prices and values, and to supply a sufficient circulating medium for the legitimate purposes of the States and the people. Some paper will, probably, always be found convenient for commercial operations. It would, therefore, be invidious, if not unauthorized, for the General Government to deprive the States of any supposed advantage in the use of it, so far and so long as they may deem proper, or otherwise to interfere with their course, in relation to it, except to enforce the present constitutional prohibition against issuing any bills of credit, or making any thing a tender except gold and silver. Care, however, must be employed, incidentally, to avert, as far as possible, any evil influences which might otherwise be exercised over our own fiscal operations by the different local policies pursued on a subject of so much delicacy, hazard, and difficulty.

The power which Congress may possess to legislate, with a view of furnishing a paper currency of any kind for the ordinary uses of the community, or of regulating, in any way, domestic exchanges, is not entirely clear, nor well defined. Whatever may be its just extent, it seems seldom, if ever, necessary to be used, while the States retain such a wide and undisputed authority over banking; and while the local institutions, as well as private bankers, here no less than abroad, are generally so competent to effect exchanges. Such a power is not expressly conferred in the constitution, nor does it seem to be implied, unless, in the execution of some plain grants, it may become proper to be exerted on any emergency, and without using means otherwise forbidden, unwarrantable, or inexpedient.

In regard to exchanges, it is believed that seldom, if ever, has any Government, however unlimited its authority, considered it wise to prescribe special regulations for effecting them. Such a Government might well feel empowered "to regulate commerce with foreign nations," or between its own States, if it had any; but to regulate exchanges between individuals, would, in most cases, be justly deemed arbitrary. On the contrary, the sound principles of trade seem to require as little interference as possible with fixing the price of commodities, or the mode and medium through which they shall be interchanged. Those principles would only yield adequate protection or security, furnish facilities appropriate and authorized, and establish a good standard of value. Indeed, the balances of indebtedness between different sections of the country, if left to work out their natural consequences on the rate of exchanges, will usually, as they are now doing, correct excesses in business in any quarter, and be self-regulators, far superior to any officious and minute legislation. The rate merely for exchanges can seldom exceed the expense of transporting specie between any two places; and, if surpassing that, the excess must arise from what Government has little power to cure—that is, from the difficulty in obtaining money where indebtedness is great, interest high, and credit impaired.

In regard to the currency which is most suitable for public purposes, whatever may be the authority of the General Government to make or adopt a paper one, in full or in part, it is difficult to perceive why, after having established specie as a standard, having forbidden anything else to be made a tender, and having succeeded in encouraging the introduction of a supply of it into the country very ample for all fiscal purposes, it should expressly dispense with its employment as the most usual medium for those purposes. The fundamental acts of Congress as to the payments for duties and lands have not made any exceptions in its use, or provided any substitutes except the "evidences of the public debt." Any exceptions allowed ought certainly never to permit any thing except specie to be paid out as a rightful tender by the United States; and this principle has always been strictly observed. But by constructions adopted early in this Department, and, subsequently, by the charters to the two United States Banks, as well as by an apparent sanction in the joint resolution of 1816, different substitutes of notes issued by those and State banks, have, at different times, and under different modifications, been permitted to be received in payment. These, however, have been allowed only when regarded as a clear equivalent to specie or by being readily convertible into it, and by being recommended by some superior convenience or utility, as well as by great security. As specie likewise combines safety, uniformity, general use, sound theory, and almost universal experience in favor of its common employment, the framers of the constitution doubtless believed, as has been the uniform practice since, that all substitutes of paper, as they have less intrinsic value, though they often, by smaller weight or bulk, possess some qualities of greater convenience for certain uses, should never be permitted to be forced on either the Government or the community without their express consent. As they depend also on credit for their worth, it must be bad policy to countenance them for either public or private use, when their credit does not rest on undoubted security, or to encourage such small denominations of them as would be employed by those classes in society whose business is of a kind which cannot be essentially promoted by the substitutes; whose profit is little or nothing derived from them; and whose losses, where depreciations occur, cannot be borne without distress.

Another general objection to every substitute not resting on an equal amount of specie in pledge to redeem it, which was the original idea of a bank of issue, is, that it tends to dispense with the necessity of specie, in connexion with the currency, and thus, by converting more of it into an article of trade, expel it from the country; while a circulating medium is introduced instead of it, which is usually less safe, and often tempts to ruinous expansions in issues as well as business, so as to cause great fluctuations in prices, unsettle the value of property and contracts, and sometimes strip from honest industry, in a moment, the hard earnings of years.

Besides these, a special difficulty, in the use of any other substitute for public purposes, is the procrastination, disappointment, and embarrassment, which, in case of its depreciation, are sometimes occasioned by it to great national measures, as well as the discredit thus cast upon the wisdom of the Government, for regulating its fiscal affairs in such a manner as to be unable to discharge punctually its engagements, and for the exhibition of an example so mischievous to both individuals and nations. Another difficulty in this country is the want of equal value, at different places, in any other, when compared with the standard of specie, and the virtual violation which its receipt for

duties may thus cause of the spirit of that part of the constitution requiring all imposts to be "uniform." Nor can these two last difficulties be always entirely overcome by the use of such paper, or any other, though redeemed in specie, and on demand, if it be taken at a distance from the place of its redemption. But, in the administration of our fiscal concerns, it has always been very desirable to avoid the want of uniformity, and the delay or expense, and sometimes the loss, incident to the receipt for lands or duties of such notes if redeemable at a distance, and which then would sometimes occur before they could be converted into specie, or such money as the public creditor was bound or willing to accept. In order, therefore, to prevent those injurious consequences, one mode has been to accept no State bank notes whatever for public dues, as is now, and sometimes heretofore was, the practice in respect to lands. Another has been, to permit none to be taken except such as, under permission of the Treasury Department, the collecting officers or the public depositories were willing at once to credit as specie.

In our early operations, for purposes of facilitating remittances to the Treasury, quite as much as for accommodation to others, collectors were instructed to receive certain State bank notes, payable near the seat of Government, and which were to be credited as cash, when forwarded by mail, or otherwise, to the Treasurer. [See a circular, 1789—H.] The justification offered for this course may be seen in a report from this Department in April, 1790. [H 2.] The situation of the country, however, as to ease in communication, facility in exchanges, and the nearer location of many points of collection to those of expenditures, has since undergone such great improvements, as for a long time to have rendered the receipt of notes to aid in public transfers seldom necessary, and almost entirely disused. Another mode adopted by Congress has been, to render the receipts of the notes of State banks, for any purpose less material, by providing those of a bank chartered by the General Government, and making these last, by law, receivable for all public dues. But this mode has ceased; and the legality as well as sound policy of the practice to receive the notes of State banks for any public dues, whether done with a view to fiscal or general convenience, and though under all the strict limitations before mentioned, has been questioned by some. Others have considered any limitation whatever, by either the Executive or this Department, as not justifiable, since the joint resolution of 1816. It is, therefore, respectfully suggested, that a strong propriety exists for Congress to legislate more explicitly on the whole subject.

It may be proper and useful to add, that as most of the duties on imports have been discharged in checks on the bank where the bonds were deposited for collection, or in its own notes, and seldom in those of banks at any distance, little embarrassment has ever arisen concerning the payments for duties in bank notes. But, in taking them for lands, the remote situation of the purchasers, the receivers, and the banks, has generally been such that frequent difficulties and changes in practice have occurred during the period while the United States Bank and its branches, as well as the State banks, were employed as depositories. In our mixed system of currency, and one so long and so deeply interwoven with the business of the country, it was very inconvenient entirely to avoid, and at the same time occasionally dangerous to permit, taking the bills of any State bank for lands; and the receipt of such notes was obliged to be either so restricted as to prove of little convenience to the community, or a risk was incurred of many partial arrangements being made, and some ultimate injuries sustained by the Treasury.

Under all these circumstances, the course least liable to strong objections appears to be for Congress to prescribe some specific regulations on the whole subject.

This could be effected by directing what alone appears safe, and what is understood to be the practice in both England and France. It is, that the bills of no local banks be taken, which shall not, from the near location of the bank, be equivalent to specie; be able to be converted into specie at very short periods by the receiver and collector, so as to pay the public creditors legally, if demanding specie; and be thus accounted for at par, and without expense to the Government. Another advantage from this course would be, its salutary check on over-issues by the neighboring banks.

The occasional convenience of sound paper currency for various purposes, whether national or individual, such as large payments, distant remittances, exchanges, or travelling, is highly valued by some, and, where gold does not circulate, is often very considerable. But the difficulties in keeping it sound, the hazards and losses incident to its use, and which have already been explained, are troublesome. Should Congress determine that it is proper to furnish, by its own authority, and for the purposes before mentioned, some paper medium of higher character and other than what now exists in private bills of exchange or notes of State banks, no doubt exists that any benefits which may occasionally be derived from its employment can be readily secured, without treading on the debatable ground of either the power or the policy of chartering a national bank.

Certificates, not on interest, but payable in specie to bearer or order, as well as being receivable for all public dues, could be authorized to be given in payment to the public creditor, whenever preferred by him, and sufficient specie existed in the Treasury. This kind of paper would be very convenient in form, and would differ little from the drafts now in use on banks, except being drawn on a known specie fund, and expressing on its face not only this, but its being receivable in the first instance for all public dues. It would possess the highest credit attainable in society.

As a practical illustration of their probable utility and convenience, even the drafts, though exposed to several disadvantages which would not exist with the certificates, are near the par of specie, and furnish such facilities for large payments and distant remittances that the amount of them, on both banks and collecting officers, kept out unreturned, has increased within a few months from the usual aggregate of about two millions to nearly four and a half millions.

If the demand for such paper increased, public and private convenience might be promoted, and an equal quantity of specie at the same time preserved in the country, by reserving for this purpose, from any accumulation in the Treasury, a sufficient sum, and by placing it at a few important and convenient points, to render a greater number of certificates redeemable there with the very coin whose representative they are intended and honestly ought to be.

All the advantages of these certificates could thus be furnished, by merely paying them out to the public creditor, when more desirable to him than specie. But no loans of them appear advisable, nor any bank incorporation, bank officers, or bank machinery whatever, in connexion with the subject. They would combine the most important requisites appertaining to any paper currency—such as the greatest security, an entire specie basis, and the unity of all issues in one body; while the control over these last, which it is so very desirable to preserve independent, would be placed and regulated by law so as to prevent any interested or injurious excesses. The whole risk would be the loss by casualty or unfaithfulness of any of the specie that was held to redeem the paper, and which, as well as the expenses, would probably be in part remunerated by the loss of certificates before they are returned. If the residue of the expense should constitute any considerable objection

to the system, it could be fully obviated by a moderate and fixed premium for the certificates, either when issued or redeemed.

The common drafts of this Department, in their present convenient form, possess one advantage, which could sometimes be imparted to the certificates. When used at places against which the balance of trade exists, but drawn on places in whose favor it is, the former do now, and may hereafter, not only facilitate essentially the domestic exchanges, but at the same time supersede numerous bank transfers, and the more expensive transportation of specie itself.

The mint certificates, heretofore given on the deposite of bullion and specie for coinage, might easily be made running to bearer or order, and receivable for all public dues; and, in that way, would contribute to the same desirable ends.

The present branches of the mint, if not numerous enough, nor situated at convenient places for the receipt of specie and bullion for this purpose, might be aided by two or three agencies, instead of more expensive new branches, at points favorable to the interests of the mint and of the community.

It must be obvious that the paper of any bank will be less safe and useful in being received for public dues, in proportion as it may want such solid securities and foundations as the certificates before described. But if the notes of State banks are made receivable for such dues, under certain limitations like those which have been explained, the other most desirable guarantees for their safety, whether looking to any use of them by the General Government, or to the durable interests of the States themselves, seem to be for the latter, first, to impose on the existing banks, so far as lawful, the checks mentioned in a subsequent part of this communication. They could next authorize very few banks hereafter, except those of mere discount and deposite; and where the power of making paper issues to pass as money is added—a power so sovereign in its character, and so indispensable to be vigilantly guarded, could require a large proportion of specie to the circulation and deposites to be kept on hand, and, in addition, have the faith and security of the State pledged to indemnify the community, as, in the case of the above-named certificates, would be pledged those of the General Government. This would greatly increase the caution and watchfulness of all concerned, and could be done by special laws for that purpose, or by allowing no new banks hereafter, except State banks so organized, or by requiring State stocks to be owned by all the banks, and lodged in trust to the extent necessary, with the specie on hand, to secure the immediate redemption of all the bills issued, and all the deposites payable on demand. Another kind of security beyond what now generally exists, would be, never to permit deposites to be received, payable on demand in specie, (a practice so very dangerous to the bill-holders,) except in the case of special deposites kept for a moderate compensation. The only other description of security which is likely to prove in any degree efficient, seems to be of a penal character, either by extending the provisions of a bankrupt law to all banks, as before suggested in respect to such as may be fiscal agents, or by allowing all depositors, public or private, and all bill-holders, not only a large interest, but severe prosecutions against the directors after any deliberate omission by banks to discharge their duties in the manner provided in their charters and contracts. The paramount object in all such provisions should, of course, be to guard against abuses, and reform existing evils, though, in some instances, the case may have become so desperate as to require even amputation to save life. Every thing else concerning bank paper is supposed to belong to the wisdom and sound discretion of the several States, as they may prefer, from time to time, to create and employ it. Within the constitutional limitations, and as soon as deemed expedient by any of them, specie alone, or paper, or a mixed medium of both, as considered preferable by each for its own purposes, can be, if it be not now, established. At the same time, it is hoped and believed that no wish exists in any quarter to prevent, but rather a deep and general anxiety, like that evinced by Congress, the Executive, and this Department, for some years past, to encourage the same sound currency for the uses of the people and the States, as for the fiscal operations of the General Government.

### VIII. Some general causes and remedies of the present embarrassments.

In conclusion, it is the intention of the undersigned not to advert to the chief causes of the recent calamities, except so far as they are connected with our financial condition, and as appears necessary to indicate briefly a few remedies by means of general legislation.

Without doubt one of these causes was the over-production of cotton, coupled with the large and sudden depreciation of its price.

The whole product, though before so great, had, within three years, been increased probably more than one hundred millions of pounds, so as to exceed in a single year the enormous quantity of five hundred and forty millions of pounds. The fall of price was such as, on that quantity, would make a difference in its value of near forty millions of dollars. The occurrence of this fall, however, was at such a period of the year as not much to affect over half the last crop; but the violence of the shock, though thus lessened, still occasioned a loss to an appalling amount. The fall was chiefly consequent from the over-production, the abrupt withdrawal of foreign credit, combined with some other circumstances which need not now be particularized. The over-production originated partly, like most other excesses here, from an extraordinary extension of credits and bank issues, and partly from keeping open the sales of public lands to all persons, and at the former low prices, after other articles, including cotton and lands had suddenly risen much in their nominal value. Under this tempting state of things those sales were exorbitantly enlarged, till they amounted to over twenty millions of acres in a year, when not more than three or four millions were probably necessary; and not so much had before been requisite, annually, to meet the natural demands for new public lands for raising cotton, and for all other kinds of agricultural employment. But this excess in sales, so unexpected and ruinous, can, it is believed, be averted hereafter, whenever they are likely to go beyond a desirable amount, by passing laws which shall confine them to actual settlers, or increase the price to others. The same measures, with other remedies hereafter suggested for some other existing evils, will help to correct future excesses in the production of the great domestic staple of the Union.

Another of the causes of the present embarrassments was the unprecedented quantity of foreign goods imported. By stimulants to overtrading, such as very extended and often renewed credits abroad, as well as at home, so treacherous in appearances of prosperity, those importations were dangerously swollen to the amount of almost two hundred millions of dollars a year, and thus constituted an excess over our exports of about sixty millions, and involved the country in a foreign debt, merely commercial, whose balance against us, after all proper deductions for freights, profits, and similar considerations, probably exceeded the aggregate of thirty millions of dollars.

That excess, so little anticipated and so indiscreet, the system of credit formerly in use, and better regulated, would have seasonably prevented, by requiring an early adjustment of balances, and, thus turning the foreign exchanges against us, would have stopped many extravagances both in trade and bank issues.

But, stimulated and unrestrained, as before described, it increased the duties some millions beyond what a prudent though prosperous state of trade was likely to produce, and, combined with some other causes, has overwhelmed the mercantile interest with many of those disasters under which it has suffered so severely the past season. From many of these, no just legislation can now afford much relief. Nor could any legislation heretofore have prevented severe revulsions from this source, except by imposing checks on inordinate credit and banking, as well as on sudden, and large expansions and contractions in bank issues, and by that further reduction of the tariff which has been so strenuously urged for two years past to be adopted, whenever our fiscal condition evinced that the whole of the accruing duties were not needed for public purposes. Because the great surplus, forced into the Treasury by the excesses in the sales of land, and in duties on imports, not being seasonably withdrawn, either by equivalent appropriations or further reductions in the current receipts through new laws or by investments, has undoubtedly contributed, through the loan of it while in deposite, to sustain in some degree, if not produce, the spirit of overtrading. That surplus was often deprecated; and the only sound legal preventives still appear to this Department to be the measures before enumerated for preventing its accumulation. And after it had undesignedly happened, the wisest disposal of it was supposed to be, to expend it, as fast as useful, on proper objects of a public character; and, in the mean time, not to leave it in the deposite banks, but to invest it in State stocks, as a provident fund, to remain both safely and profitably till wanted to aid in meeting current expenditures or extraordinary contingencies.

The undersigned regrets that he was not so fortunate in sustaining his opinions concerning the transient and fluctuating character of the excesses in our revenue, as to have received the concurrence of Congress in relation to those cautionary provisions formerly recommended by him for meeting the revulsions, deficiencies, and contingencies, which he supposed incident to them, as well as to our financial system generally. He is, at the same time, aware that the deposite act, so far as it placed a part of the public money with the States for safe keeping, and the Treasury circular issued by the direction of the Executive, as to the kind of money receivable for public lands, were intended, among other things, to obviate a portion of the evils connected with those excesses. Nor does he entertain any doubt that they both contributed, at first, to awaken caution among the more considerate, and to excite strong suspicions, if not convictions, in prudent minds, as to the great extravagances of credit into which the community had rashly plunged. But after those measures had accomplished these and similar benefits with a portion of the community, though others still felt justified in anticipating a continuance of surpluses and distributions, the subsequent influence of either the act or the circular, in checking the threatened mischiefs, is believed, in most cases, to have been overrated. The operations of the deposite act, in supplying deficiencies of revenue, by a recall from the States, however well intended, will probably prove very deficient. In some other respects they have, by first requiring to be speedily collected and subdivided among more numerous banks from ten to fifteen millions of dollars, and then compelling, within the short period of nine months from the 1st of January last, another collection and transfer of nearly forty millions more, and much of it from the merchants, and to places not situated in the usual channels of trade or of large fiscal operations, unquestionably aggravated many of the distresses which had their principal origin in other causes. Those operations necessarily aided to produce the derangement that occurred in the domestic exchanges, and imposed a task upon the banks unprecedented for its amount and difficulty. By converting suddenly into demands for specie very large sums, most of which were before mere credits, they also hastened, if not increased, the loss of confidence in banks, that has since so widely impaired their character and usefulness.

Another, and the last general cause of the present embarrassments which will be noticed as having much connexion with our financial affairs, has been an unnecessary and injudicious increase of bank capital, discounts, and issues. A similar increase, however this may have been influenced by the large temporary deposites of public money made with banks and States, and by the causes before alluded to, has happened in some foreign countries, as well as here, during the same period, from other great commercial and monetary impulses, that are permanently connected with all paper systems not founded entirely on specie. These impulses have operated in some measure independently of several transient and local causes, whose effects have by many been much exaggerated. It is probable that they never can be properly controlled under such a system of expansive credit, while the individual directors of much of that credit have so little separate legislative restraint placed over their conduct, and have private interests at stake, which, in pursuit of immediate and large profits, must usually possess a strength so superior to that of any sense of general duty to consult the public security.

The amount of circulation which existed in the early part of the last year, had increased thirty millions or forty millions of dollars in only three years. It continued to expand for some months afterwards, and in the last annual report was considered likely to prove ruinous to steady prices; to surround with danger every species of sound trade; and not to be susceptible of that reduction to proper dimensions which was necessary, and soon inevitable, without probably producing some of the wide-spread sufferings which have since happened. The constitutional power of the General Government to check such evils, except as before indicated, and incidentally, through the kind of money it can and should permit to be employed in its revenues and expenditures, is apprehended to be limited. Through the latter, it may usefully discourage, as of late years has been attempted by Congress as well as the Executive, the dangerous issues of small bills, and, indeed, paper emissions of any kind, which are not "paid on demand in gold or silver coin at the place where issued, and shall not be equivalent to specie at the place where offered, and convertible into gold or silver upon the spot, at the will of the holder, and without delay or loss to him." For the like purpose, it may likewise continue inflexibly to countenance for smaller payments, and in the business of society not particularly commercial, a metallic currency; which is not liable, like bank paper, to sudden fluctuations and great losses. A further wise step would doubtless be, to refrain to make, by its own acts, any addition to the amount of bank capital, already too great; and to rely on bank paper as little as practicable, when authorized in the improvident manner which has often prevailed, and exhibited so much feebleness and insecurity, as well as produced so many inconveniences and losses.

It appears to the undersigned that all beyond this which can be beneficially accomplished, in connexion with the last cause of the present embarrassments, and without an alteration in the constitution conferring on the General Government direct authority over every kind of banking, must be effected through the State Legislatures, and the commercial habits of the community. Much improvement can, doubtless, be introduced, if the Legislatures will impose those additional regulations, restraints, and securities, which have been before enumerated. Much more will also follow, and substantial relief be afforded to the people at large, if, in addition to the other measures recommended, individuals will exercise the wisdom to place a greater reliance on real capital, active industry, frugality, and

well-grounded credit, than on that inflated system which of late has contemporaneously prevailed to such ruinous extent, both in this and some other countries—a system which has been encouraged by some persons, under the delusive idea that there was no overtrading of any kind, till a revulsion has occurred almost without a parallel, and has given to commerce and credit a blow whose destructive effects it may require years fully to repair.

All which is respectfully submitted.

LEVI WOODBURY,
*Secretary of the Treasury.*

Hon. JAMES K. POLK,
*Speaker of the House of Representatives.*

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*List of documents annexed to the report of the Secretary of the Treasury.*

A. Letter to the collector at New York, from the Secretary of the Treasury, concerning the postponement of bonds for duties.
B. Instructions from the Solicitor of the Treasury, on the same subject.
C. Memorial from merchants of New York to the President.
D. Memorial from Chamber of Commerce of Boston to the Secretary of the Treasury.
E. Memorial from the Chamber of Commerce of New Orleans.
F. 1. Reply from the Secretary of the Treasury to the Chamber of Commerce of Boston.
F. 2. Letter to collector of New York as to receipt of bank notes.
F. 3. Letter from committee of Chamber of Commerce of New York, requesting extension of a year on payments of duties.
G. Letter to the Executives of the States, with the postscript as to the return of the transfers in case of non-payment by the banks.
H. 1. Circular letter from the Treasury Department as to the receipt and transmission, by mail, of bank notes in 1789.
H. 2. Extract from report of April 22, 1790, upon collection law.
I. First circular to the deposite banks, discontinuing those which had ceased to pay specie for their notes.
K. List of those thus discontinued.
L. List of present deposite banks under the deposite act.
M. 1. First circular to collectors, directing them not to place money in general deposite in banks which have stopped specie payments.
M. 2. Circular to receivers of public money on the same subject.
N. Second circular to them to deposite specially when they have on hand over a certain amount.
O. Extract from Treasury report in 1790, as to a new class of officers to keep and transfer the public money.
P. Table of Treasury warrants payable in each State in 1834.
Q. Comparative condition of deposite banks in certain particulars in November, 1836, and in March, May, July, and August, 1837.
R. State of the accounts of the former and present deposite banks with the Treasurer of the United States.
S. Circular as to deposites by disbursing officers, by order of the President.
T. Circular instructions to collectors and receivers, to accept Treasury drafts in certain cases.
U. Condition of each of the former deposite banks at the last returns.
V. Last circular to banks, on the subject of resuming specie payments.

A.

TREASURY DEPARTMENT, *May* 8, 1837.

SIR: I have been directed by the President of the United States to communicate to you the views of this Department in relation to the request recently made to him by a committee appointed at a respectable meeting held in the city of New York. The request was, "that instructions may be given to prevent the commencing of suits in any of the collection districts upon unpaid bonds, until after the first day of January next."

With every disposition on the part of the President and this Department to gratify any wishes of the mercantile portion of the community, and with a deep solicitude to alleviate, as far as possible, the pressure which exists in their pecuniary affairs, it is to be regretted that instructions cannot be given for so protracted a delay, and in so general a manner, without a departure from long-established usage, and great inconvenience to both the merchants and the Treasury.

By the act of Congress of the 2d March, 1799, it is provided that "where any bond for the payment of duties shall not be satisfied on the day it may become due, the collector shall, forthwith and without delay, cause a prosecution to be commenced for the recovery of the money thereon, by action or suit at law."

No authority or discretionary power is intrusted expressly to the President or this Department to dispense with this imperative direction, given by Congress to the collectors of the customs. The general practice has been opposed to the existence or exercise of any legal authority, except in Congress, to grant delay in the payment of such bonds, until after an action is instituted or judgment is confessed. After a suit has been brought, the collector's duty has been considered as fulfilled, and this Department, through its proper agents, has in such cases, and in that stage of the proceedings, deemed it lawful to direct some delay to be granted by the district attorney on certain terms.

No statute forbids such a course, and if a payment in part is then made, or additional security furnished in cases where great hardship, embarrassment, or insolvency is shown to exist, and the application is made in consequence of some of those circumstances, indulgence has frequently been given.

But the power of permitting some indulgence before an action is commenced is supposed by the Attorney General and the Solicitor of the Treasury to belong to the latter officer, under the act of Congress of 29th May, 1830; and in times and cases like the present, when the most favorable construction which is legal should be followed, this Department is disposed, in conformity with the advice and opinion of these law officers, to sanction a delay by him under like circumstances, and to a like extent, before suit as afterwards. Upon the occurrence, therefore, of cases of the character previously described, whether before suit or after, and whether at your port or elsewhere, similar indulgences on similar terms could, and undoubtedly would, be allowed with pleasure, on seasonable application in each case, and the extent of the delay being regulated by the facts of each case, and the existing and probable wants of the Treasury at the time it shall be presented.

But should applications of this kind become numerous, and extend to several bonds very large in amount, difficulties, unfortunately, would arise, under the existing laws and present state of the Treasury, not only to the parties, but to the public, in postponing payment for any considerable period. In the first place, all parties and sureties upon bonds unpaid after due are expressly disabled by the 62d section of the act before referred to from having credit upon any other duty bonds. The language is, "No person whose bond has been received, either as principal or

surety, for the payment of duties, or for whom any bond has been given by an agent, factor, or other person, in pursuance of the provisions herein contained, and which bond may be due and unsatisfied, shall be allowed a future credit for duties until such bond be fully paid or discharged." In the next place, the condition of the Treasury during the remainder of the year will probably be such, whether looking to the estimates submitted by this Department to Congress at the commencement of its session in December last, or to the actual state of things at this time, as to create serious inconvenience and embarrassment to the public interests in meeting the public engagements, should the payment of all the duty bonds outstanding in the United States, and amounting to several millions of dollars, be postponed in their collection, either before or after suit, until the time requested by the committee.

This will be very manifest from the following data: The aggregate receipts into the Treasury during the year 1837 having been estimated in the last annual report at $24,000,000, and the appropriations asked for by the respective Departments, with the usual anticipated contingent, having amounted to about $27,000,000, it was then suggested that this would require the expenditure not only of all the estimated accruing receipts, but near three millions of the five reserved on the 1st of January, 1837, for distribution among the States. Congress, however, in the course of the session, appropriated not only those three millions of excess, but over five millions in addition; making an aggregate of more than thirty-two millions: and by this means a charge was imposed on the Treasury to the extent of eight or nine millions beyond the estimated receipts during the year.

The expectation of a recurrence of an extraordinary excess of revenue during the present year, which may have been contemplated by some, and have formed the ground on which so large appropriations were made, was never entertained by this Department; nor does any such expectation, judging from the receipts of the first quarter and the first month of the second quarter of the present year, seem likely to be verified. On the contrary, assuming the hypothesis that a similar amount of unexpended appropriations will remain at the close of the present year as did at the close of the last, (though in ordinary times they are generally reduced eight millions lower, and, should they become so, would increase the deficiency to that extent,) the postponement of the payment of any considerable amount of bonds to the 1st of January next would make a deficiency in the means of the Treasury highly probable. To postpone the payment of the many millions falling due at all the ports in the United States, would render this deficiency inevitable.

Comparing the present condition of the country with a former period of similar revulsion in trade, when, in 1819, from causes somewhat analogous, the mercantile interests were exposed to a pressure so very general and severe, the likelihood seems equally strong in favor of a rapid reduction in the revenue.

The foregoing remarks will explain some of the practical difficulties to be encountered in meeting the wishes expressed by the committee for the long postponement of the payment of duty bonds, whether granted before or after suit, and whether in view of the consequences to the merchants or to the Treasury and the public. But indulgence for thirty, sixty, and ninety days, not extending beyond the 1st of September, or about the time for arranging the payment of the last instalment of deposite with the States, could doubtless be granted in special cases, under the customary terms and circumstances as before explained, should any parties desire it. But what forbearance the situation of the Treasury may justify in this respect, at any future day, cannot now be foreseen with much accuracy. The payment, within so short a period as nine months, of such a vast amount to the States as near thirty-eight millions, and which is mostly to be collected through the deposite banks from the mercantile portion of the country, increases the pressure from other causes on both the banks and the community, and creates a prospect that the revenue accruing for the rest of the year will much decline, and will generally be, as has been the case in April, less than the current expenditures.

Hence the amount in the Treasury at this time being only about six millions more than is required to be paid to the States, the progress of events may compel a recourse to such other measures as the existing laws authorize for meeting one of those great crises or fluctuations in trade, by which, as well as by other contingencies, our present sources of revenue, from their intimate dependance upon them, are so suddenly and so largely influenced, and for which it has been the anxious wish of this Department for two years past that Congress would effectually provide.

How far the powers of the Department, under the deposite and other acts, are now adequate to this end, need not be considered until a necessity to resort to them shall become imperative. But, at all events, it is manifest that the present, as well as probably the future condition of the Treasury must be so doubtful, if not straitened, as to prevent it from affording so much incidental or direct aid to the mercantile interest, either individually or through the deposite banks, as it would be highly gratifying to this Department to be able to extend. More especially would it be gratified to do this, while their interests are suffering under the present severe pressure—a pressure regretted by me as deeply as by any one, and the near and probable approach, as well as principal causes of which, according to my views of the subject, I felt compelled, from a sense of public duty, however disagreeable the task, to point out in detail in the last annual report, so fully as to render a repetition of them on this occasion unnecessary as well as painful.

This Department cannot close the present communication without requesting you to assure the individuals connected with the great commerce of your port of the deep sympathy felt here on account of its embarrassments; of the willingness cherished at this time, as on former occasions, to extend to it every species of relief and indulgence in the power of the Treasury, consistent with the laws and the public duties intrusted to its charge; and of the entire conviction entertained, that the high moral character and honorable feelings of the merchants will not only carry them through the trials of adverse fortune with their usual scrupulous respect for the laws and the constituted authorities of their country, but, by the aid of their accustomed energy, enterprise, and indefatigable industry, will ere long relieve them from most of the sufferings occasioned by those disasters which have occurred so unexpectedly to some and so injuriously to many.

Respectfully, yours, &c.

LEVI WOODBURY,
*Secretary of the Treasury.*

SAMUEL SWARTWOUT, Esq.
*Collector at New York.*

P. S. You are requested to give immediate publicity to the above communication.

B.

[CIRCULAR.]

*From the Solicitor of the Treasury to the U. S. attorneys.*

OFFICE OF SOLICITOR OF THE TREASURY,
*May* 15, 1837.

SIR: You will perceive by the letter of the Secretary of the Treasury to the collector of the port of New York, under date of the 8th instant, that the Treasury Department, desiring, in concurrence with the views of the President,

to give all the relief to the mercantile community, under its present state of general embarrassment, which is authorized by law, and permitted by official obligation, has determined, in certain cases, to suspend for a short time the collection of duty bonds.

The 5th section of the act of May 29, 1830, entitled "An act to provide for the appointment of a Solicitor of the Treasury," gives power to that officer "to instruct district attorneys in all matters and proceedings appertaining to suits in which the United States is a party or interested." This power has often, on application to this office, in cases of great hardship, embarrassment, or insolvency, been exercised, to give time for payment, *after the institution of suit*, on condition of further security being furnished to the satisfaction of the district attorney. A temporary indulgence on this, or other conditions, has frequently made ultimate payment secure, when a rigorous enforcement of the law would have resulted in the ruin of the debtor and loss of the debt. But indulgence has never heretofore (except on occasion of the great fire in New York, when Congress was in session, and had the subject of relief under consideration) been extended *before suit commenced*; but, under the opinion of this office, with the sanction of the Attorney General, the collector of New York has been informed by the Secretary of the Treasury that the power exists to grant delay *before* suit, and will now be extended in appropriate cases.

The present general embarrassment of the money concerns of the commercial cities has also been deemed by the President and Secretary of the Treasury a suitable occasion for an extraordinary exercise of the power of instruction to district attorneys, vested in this office by the act of Congress above mentioned, by giving it beforehand, and leaving to them its special application on the general terms and principles laid down by this office. I have, therefore, as the applications for relief will probably be numerous, thought proper to point out for your government the terms and conditions on which, in the exercise of a sound discretion, after obtaining in each case all the information in your power, you may postpone the institution of suit.

1st. You will require that the assent of sureties, in writing, to the indulgence desired, be filed in your office.

2dly. The 65th section of the general collection law of March 2, 1799, entitled "An act to regulate the collection of duties on imports and tonnage," provides that "on all bonds, upon which suits shall be commenced, an interest shall be allowed, at the rate of six per cent. per annum, from the time when said bonds become due until the payment thereof." You will require, therefore, the agreement of all the parties to bonds on which suits shall be postponed, to pay the same interest as if suit were instituted.

3dly. You will in no case, without further orders, grant a suspension of suit beyond the 1st day of October next; before which period, Congress will have an opportunity of making such provisions as they may think proper.

4thly. You will, in all cases, request additional security. If this cannot be given, you will require a judgment by confession, as a condition of such stay of execution as you may deem expedient and proper, not to extend beyond the time above allowed for the suspension of suit.

5thly. It must be a condition, in all cases, that a forfeiture of all the benefits of the indulgence granted shall be incurred, whenever any one of the terms of that indulgence shall not have been complied with.

It is not intended by the third regulation that the postponement of suit should, in all cases, be made until the 1st October next. On the contrary, you will take care that, in the exercise of the discretion respecting postponement of payment and suit, conferred on you by this letter, no indulgence be granted, where the parties, in your judgment, are able to pay without serious sacrifices. It is, moreover, desirable, where the parties have it in their power to make it, to obtain payment in part, and to stipulate for the residue in instalments of thirty, sixty, or ninety days; or, if no part can be obtained in cash, then the whole amount to be paid in instalments of thirty, sixty, and ninety days. More especially should this be required where no additional security is given.

It is desirable, for the convenience of parties applying for indulgence, that they should, in proper cases, obtain it without the delay, trouble, and expense of applying to this office. It is, moreover, obvious that the Solicitor of the Treasury, acting through the district attorneys who reside in the same place with the applicants, and have a personal acquaintance with them, and a knowledge of their character and circumstances, may exercise the power for their relief, incident to his office, more judiciously than in person at Washington. The requisite authority, and the general regulations for its exercise, are, therefore, given you by this letter of instructions. But, although it is highly desirable and expedient that cases of relief should be acted on and decided at once in the places where they originate, yet important cases, not coming within those regulations, or the circumstances of which, from their peculiarity, shall, in your judgment, require it, may be referred to this office, with a detailed report of all the facts and information affecting them, possessed by you, or which you can collect.

You will, as heretofore, make your regular report of bonds, transmitted to you by the collector of the customs for suit, as prescribed in the first regulation for the observance of district attorneys, in my circular of the 27th July, 1830; and under the head of "remarks," if a suspension of suit be granted, you will state the circumstances and conditions of the suspension, and the nature and amount of the security given, the evidences of which you will retain in your possession.

In case of application for indulgence being made before the bonds become due, you may make use of the same forms of return as in case of suit, leaving such heads *blank* as are not applicable, and making the report immediately after the suspension of suit is granted. Should any of the conditions on which indulgence has been granted not be fulfilled, you will immediately, without further instructions, institute such legal proceedings as the case may call for, and make report thereof to this office.

I am, very respectfully, sir,
Your most obedient servant,
V. MAXCY,
*Solicitor of the Treasury.*

To ——— ———, Esq.,
*U. S. Attorney for the district of* ——— ———.

C.

To MARTIN VAN BUREN,
*President of the United States.*

SIR: We have the honor of informing you that a very numerous meeting of the merchants of New York was held on the 25th of April, for the purpose of considering the present distressed condition of the city, and deliberating upon the means of relief. It was called by more than three hundred firms, and was attended by a large proportion of those merchants who are connected with the internal trade of the country, and who have an especial and direct interest in the state of domestic exchanges.

A committee was appointed to repair to Washington, and remonstrate with the Executive against the continuance of the specie circular, and to urge its immediate repeal; also, to ask that instructions may be given to prevent the commencing of suits, in any of the collection districts, upon unpaid bonds, until after the 1st day of January next, and to urge upon the Executive the propriety of calling an extra session of Congress at as early a day as possible.

In obedience, sir, to these instructions, we present our-

selves before you, and ask your deep and solemn attention to the unhappy condition of that city which has hitherto been the promoter and the index of our national prosperity, and whose fall will include the ruin of thousands in every region of our territory. We do not tell a fictitious tale of wo, we have no selfish or partisan views to sustain, when we assure you that the noble city which we represent lies prostrate in despair, its credit blighted, its industry paralyzed, and without a hope beaming through the darkness of the future, unless the Government of our country can be induced to relinquish the measures to which we attribute our distress. We fully appreciate the respect which is due to our Chief Magistrate, and disclaim every intention inconsistent with that feeling; but we speak in behalf of a community which trembles upon the brink of ruin, which deems itself an adequate judge of all questions connected with the trade and currency of the country, and believes that the policy adopted by the recent administration, and sustained by the present, is founded in error, and threatens the destruction of every department of industry.

Our merchants, manufacturers, and mechanics, have repeatedly predicted the fatal issue of that policy. "What was prophecy has now become history;" and the reality far exceeds our most gloomy anticipations. Under a deep impression of the propriety of confining our declarations within moderate limits, we affirm that the value of our real estate has, within the last six months, depreciated more than forty millions; that, within the last two months, there have been more than two hundred and fifty failures of houses engaged in extensive business; that, within the same period, a decline of twenty millions of dollars has occurred in our local stocks, including those railroad and canal incorporations which, though chartered in other States, depend upon New York for the sale; that the immense amount of merchandise in our warehouses has, within the same period, fallen in value at least thirty per cent.; that, within a few weeks, not less than twenty thousand individuals, depending upon their daily labor for their daily bread, have been discharged by their employers, because the means of retaining them were exhausted; and that a complete blight has fallen upon a community heretofore so active, enterprising, and prosperous. The error of our rulers has produced a wider desolation than the pestilence which depopulated our streets, or the conflagration which laid them in ashes.

We believe that it is unjust to attribute these evils to any excessive development of mercantile enterprise, and that they really flow from that unwise system which aimed at the substitution of a metallic for a paper currency—the system which gave the first shock to the fabric of our commercial prosperity, by removing the public deposites from the United States Bank, which weakened every part of the edifice by the destruction of that useful and efficient institution, and now threatens to crumble it into a mass of ruins, under the operations of the specie circular, which withdrew the gold and silver of the country from the channels in which it could be profitably employed. We assert that the experiment has had a fair, a liberal trial, and that disappointment and mischief are visible in all its results; that the promise of a regulated currency and equalized exchanges has been broken, the currency totally disordered, and internal exchanges, almost entirely discontinued. We therefore make our earnest appeal to the Executive, and ask whether it is not time to interpose the paternal authority of the Government, and abandon the policy which is beggaring the people?

Amid all the distress of our condition, we have been gratified by a view of the generous and forbearing spirit which has almost invariably marked the conduct of the creditor towards the debtor. A general disposition has been manifested to indulge the debtor with ample time for the arrangement of his business and the collection of his debts; and we would respectfully suggest the example for the imitation of the Government. The embarrassment and distress of the merchants would be more readily relieved by the suspending of suits upon unpaid bonds until a future day, when the wisdom of Congress may grant some measure of relief.

Feeling, as we do, that we have reached a crisis which requires the exercise of all the wisdom and energy of the country to heal the wounds which have been inflicted upon its commerce and productive industry, we would respectfully and earnestly urge upon the Executive the propriety of calling an extra session of Congress, to deliberate upon the unprecedented and alarming embarrassments in which we are involved. The members, coming directly from their constituents, will have had the opportunity of knowing and appreciating the extent of the distress which exists; and we are convinced that their collected opinions will fully sustain those which we have expressed, and their testimony indicate an amount of suffering of which we cannot believe that you, sir, have heretofore been aware.

We persuade ourselves that the representations which we have given of the actual condition of our affairs will induce you to doubt the expediency of the policy which has been recently pursued; and we trust to your intelligence for such a change of measures as will revive the hopes and stimulate the energies of the merchants of New York.

ISAAC S. HONE,
JAMES W. BRYAN,
BENJAMIN LODER,
ALEX. B. McALPIN,
JOHN A. UNDERWOOD.
THOMAS TILESTON,
MEIGS D. BENJAMIN,
ELISHA LEWIS,
SIMEON DRAPER, Jr.

WASHINGTON, *May* 3, 1837,

D.

The subscribers, under the direction of a meeting of the Boston Chamber of Commerce, respectfully represent to the Hon. Secretary of the Treasury, that much difficulty will arise here from the requisition, which they understand has been made, that all dues to the Treasury shall be paid in specie.

The suspension of specie payment is now universal in this city, and it is impossible to procure the amount necessary for the payment of custom-house bonds. If the requisition be made, there is no course left to the merchants but to submit to a suit, and its upleasant consequences.

It is evident that specie for the large amounts daily falling due on custom-house bonds, throughout the country, cannot be procured on any terms. The refusal of specie for bonds is not, therefore, in the least, a matter of choice; the payment is utterly impossible.

If, then, no alteration be made in present instructions, the suits now just commencing will eventually extend to the commercial community throughout the country; incapacitating them from further entries or importations, and seriously embarrassing the financial operations of the Government. If this be so, it is merely a matter of time, with regard to the required alterations; sooner or later they will become indispensable; if made now, much distress will be prevented.

Even were it otherwise, there are, it appears to the chamber, sufficient reasons why specie payments should not now be required by the Government. It is a matter of notoriety that specie payment of the indemnity lately received by the Government has been refused to the claimants by the agents of Government; and further, that specie payment of debenture certificates is now refused at the custom-house, at the very moment when specie payment is

demanded for bonds. The extreme hardship and injustice of the demand and the refusal, at the same moment, cannot require comment.

Under these circumstances, they cheerfully request such a modification of the requisitions of the Government as may consist with justice and the ability of the community. To this purpose, a withdrawal of the specie instructions recently issued to the collector of this port, leaving him and the merchants to devise, in good faith, the means of adjusting the claims of the Government with the mercantile community, would, perhaps, be entirely sufficient. A course like this has been adopted on a former occasion, and seems to be the only one now practicable.

WM. STURGIS,
*President Boston Chamber of Commerce.*
THOS. W. WALES, } *Vice Presidents.*
ROB'T G. SHAW. }
G. M. THATCHER, *Secretary.*

E.

NEW ORLEANS CHAMBER OF COMMERCE,
*New Orleans, May* 25, 1837.

SIR: I have the honor to transmit to you, enclosed, a copy of the procedings of the Chamber of Commerce of New Orleans, in relation to the deranged condition of the currency, and the impractibility resulting therefrom to conform strictly with the requisitions of the law and orders emanating from your Department.

I beg leave most respectfully to call your attention to said proceedings, with the hope that some measures may be devised to obviate existing difficulties.

I have the honor to be, sir, with great consideration and respect, your obedient servant,

SAM. J. PETERS,
*President.*

To the Hon. SECRETARY OF THE TREASURY,
*of the United States, Washington city.*

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NEW ORLEANS CHAMBER OF COMMERCE,
*Saturday, May* 20, 1837.

At a special meeting of the chamber held this day, the following preamble and resolutions were adopted, with only one dissenting voice:

Whereas, the collector of the custom-house of this district, in virtue of instructions from Washington, requires specie, or notes of specie-paying banks which are at par, in payment of all duty bonds: and whereas it is well known that nearly all the banks of this city, including the deposite banks, have lately suspended specie payments; and that the notes of the few banks which have continued to redeem their circulation in specie are not re-issued, and therefore cannot be obtained, whilst the same banks refuse to pay their deposites in specie:

In consequence of which, it is impossible that the requisition of the collector can be complied with. Therefore, be it resolved—

1st. That, in the opinion of this chamber, the existing revenue laws, which it is now attempted strictly to enforce, were passed by Congress under circumstances very essentially differing from those which at present prevail; and that a revison of the same by Congress has become indispensable.

2d. That, in the opinion of this chamber, it is highly expedient that Congress should be called at as early a period as may be practicable, with a view to take into consideration the currency of the country, and the revision of the revenue laws, so as to reconcile them with the present state of things, and to render them susceptible of being executed.

3d. That the payment of duty bonds in gold and silver, under existing circumstances, is utterly impracticable; and if the collector cannot receive in payment thereof the notes of our local banks, said bonds must necessarily remain unpaid until the action of Congress with regard to the same be ascertained.

4th. That any attempt on the part of the Government to enforce the collection of custom-house bonds in gold and silver, will be attended with serious suffering and distress: inasmuch as the sale of property by the marshal of the United States cannot be effected, for specie, without the most cruel and unnecessary sacrifices.

5th. That if the Government persists in the collection of duty bonds in gold and silver, when the same is not to be procured; and in the event of its finding attorneys and jurors willing to assist in rigorous prosecutions, it is the opinion of this chamber that these measures may gradually lead the country into scenes of disorder, violence, and resistance to the laws, which are seriously to be deprecated, and which the Government ought to avoid.

6th. That the President of this chamber be requested to transmit a copy of these resolutions to the President of the United States and the Secretary of the Treasury.

A true copy from the minutes: as witness my
[SEAL.] hand and seal of the chamber, this 24th day of May, 1837.

GEO. W. WHITE, *Secretary.*

F. 1.

TREASURY DEPARTMENT, *May* 21, 1837.

GENTLEMEN: Your communication, in behalf of the Chamber of Commerce in Boston, concerning the payment of duties, was received at this Department to-day. Though without date, it is presumed to have been written before the receipt in your city of the proclamation of the President calling a special and early session of Congress, and of the circulars, letters, and notices of this Department, recently published, concerning custom-house bonds. Copies of these are, therefore, annexed, (numbered 1 to 7,) and to which I beg leave to refer for several explanations on some of the topics contained in your memorial.

In addition to those explanations, but few other remarks are supposed to be necessary to put the Chamber of Commerce in full possession of the views of the undersigned, in respect to your request, and, it is hoped, to satisfy you that every thing has been done, and will continue to be done here, for relief to the merchants in the present distressing emergency, which the laws sanction and my limited authority permits.

One of the earliest acts passed by the first Congress convened under the present constitution of the United States, was that of July 31st, 1789, expressly requiring all duties to be "received in gold and silver only," and which provision has been virtually continued in subsequent laws. The circular of this Department from whose operation you ask to be exempted, is only a repetition or an affirmance of that act, except it contains a mitigation, justified by a long and liberal construction, which authorizes an equivalent for specie to be also received.

Under that construction, anxious as the Department has been, and still is, to extend every indulgence to those connected with it, which is not inconsistent with law and public duty, it sanctioned the receipt of the notes of specie-paying banks instead of specie for customs, and all the drafts or checks of the Treasury, not paid to the satisfaction of the holders by the banks on which they are drawn. Debenture bonds are likewise receivable in payment of duties; and, whenever doubt has arisen on that point, express instructions have been given to take them.

Beyond these alleviations, the Department has yet been unable to discover any legal authority which it possesses, or is able to delegate to others, to receive substitutes for the specie, which is imperatively required by law in payment of duties. On the contrary, by a reference to the various acts of Congress bearing on this subject, it will be manifest that if the Department, under the influence of

sympathy, rather than of official obligations, should allow any thing not equivalent to specie to be received for duties, it would violate the letter of the original law on this subject, and the invariable practice under it, with one brief and occasional exception, which existed only in certain sections of the country, about twenty years since, and commenced during invasion and war. It would also act in conflict with both the letter and spirit of the joint resolution of Congress, afterwards passed in April, 1815, for the avowed purpose of preventing any longer or future deviation from the act of 1789.

If, in a period of profound peace, and in many respects of great prosperity, the President and the undersigned, as mere executive officers, jealously restricted by the constitution and by statutes, should proceed to dispense with these laws, without previous permission from Congress, it might certainly be considered one of those unwarranted usurpations of power, so boldly and cogently denounced by our forefathers; and, without doubt, we should next, and on similar grounds, be requested to extend a like indulgence to all debtors of the Government, whether individuals or banks, and to all the purchasers of the public lands, though these last are likewise required by statute to be paid for in "specie, or in evidences of the public debt of the United States." Any such disregard of those imperative requisitions would lead to other consequences almost equally alarming and deplorable, as it would amount to the receipt for duties of what was less valuable to the community and to the Government than what the acts of Congress expressly direct.

In this way, without legal authority, the interests of the United States would further be injuriously relinquished and compromised, by virtually allowing a diminution of the whole tariff of duties, and all the incidental benefits anticipated from it, to any of the great branches of industry in the country, quite to the extent of the difference in value between specie and the notes of the banks not paying specie. The many millions of unavailable paper which would probably be thus placed in the Treasury for duties and other debts, it would be difficult to compute; as, besides the twenty-six or seven millions now due from individuals and banks, most, if not all of the future revenue accruing from customs, or the increased sales of public land in consequence of such a system, would be paid to the United States in notes of the same depreciated character. It deserves consideration, likewise, what could legally be done with such funds when collected; as, by the second section of the act of April 14, 1836, the Treasury is expressly forbidden to offer, in payment of any claim whatever against the United States, "any bank note of any denomination, unless the same shall be payable, and paid on demand, in gold or silver coin, at the place where issued, and which shall not be equivalent to specie at the place where offered, and convertible into gold or silver upon the spot, at the will of the holder, and without delay or loss to him."

How great would be the loss on such irredeemable funds, and who ought to bear it when they are received contrary to law, and how destructive such measures would prove to the preservation of a sound constitutional currency, by indirectly sanctioning, as they would, the disuse of specie for it here, and the consequent export of it in large quantities to foreign countries, as an article of trade, need not be dwelt on at this time. It is moreover manifest, that all such collections would further disable the Treasury from paying immediately, in the manner it is bound by law and good faith to do, the various public creditors; some of whom are stated, as a matter of complaint, in your memorial, not to be able now to obtain specie for their claims. But if the indemnity certificates and debentures to which you refer have not all been paid in specie or its equivalent to the merchants or other holders, you may rest assured that the failure to do it has not arisen from any direction to that effect by the Treasury; but, on the contrary, that express orders have been given to meet both with specie when demanded; and, if not done, the failure has occurred, and will continue, only in consequence of the regretted omission of the merchants themselves promptly to discharge their bonds in specie, and of a like omission on the part of the banks (through the misfortunes or advice of many of their customers) not to continue to discharge their obligations in the manner provided by law and their agreements with the Treasury. One great and paramount object, therefore, in requiring that the public dues should continue to be paid to the United States in a legal manner, is, to enable the Department, in this emergency, faithfully and promptly to pay others in that manner, and, as soon as practicable, to overcome any embarrassments or delays to its own creditors, which may have happened in consequence of the course pursued by those on whom the Government is immediately dependent for its available means. You justly intimate that the public payments ought to be made in this way; and you may rest assured that, in all cases where creditors are not otherwise satisfied, it will cheerfully be done the moment the Treasury is enabled to accomplish it by a compliance with their engagements on the part of those indebted to the United States.

If, from the accidents and misfortunes of others, in any instances, such an inability as you describe has occurred with any of our fiscal depositories or custom-house officers, and any reproach should inconsiderately be cast on the Government for this inability, which has been caused by others, (though, without doubt, unintentionally,) you may rest satisfied that no proper effort will be spared here to avoid deserving the censure of "extreme hardship or injustice" on this account, and (by strenuously endeavoring to do to others all which it asks of them) to discharge every claim against the Government, in specie or its equivalent, at the earliest day practicable.

In connexion with this, and merely in justification of the Treasury, it may be proper to notice further, that, besides near thirty millions elsewhere, something like three quarters of a million of dollars were due in your city alone, from merchants, and institutions of which many of them are members, and payable to the United States in specie and on demand, at the time your memorial was forwarded, setting forth the omission of our fiscal agents to pay in that currency some small demands held by a portion of the mercantile community.

This Department is aware that, even after all its forbearances and mitigations, some embarrassments must still be undergone, in certain cases, by means of incidental difficulties, and the strictness of the laws as to cash duties, which were introduced wholly for the benefit of manufacturers rather than of the finances. But it cannot concur in the opinion that, during the present favorable condition of the country, in respect to its large amount of specie, it will be impossible to obtain sufficient for this purpose; and, considering that all which is paid must immediately return again into active circulation, it trusts that the merchants will find themselves fully indemnified for the inconvenience and limited sacrifices to which they may be exposed in obtaining the small sums necessary for their object by and after the liberal indulgences authorized on their duty bonds.

Thus, by instructions published at Boston since your letter was probably written, the disagreeable result you anticipate, to wit: "that there is no course left to the merchants but to submit to a suit and its unpleasant consequences," need rarely, if ever, occur in cases of real solvency; as liberal extensions of credit have been permitted, under proper circumstances, before as well as after suit, till the meeting of Congress; and, in addition to these, an extraordinary session of that body has been called by the

President at the earliest convenient day, with a view, among other things, to afford an opportunity for new legislation to yield further relief in the present embarrassing posture of affairs.

With these explanations, and such others as appear in the documents before referred to, and which, ere this, have probably reached your city, the Department cherishes a hope that your Chamber of Commerce will be satisfied that every thing of an alleviating character has already been done, in respect to duty bonds, which the laws sanction, and the public interests justify; that all proper exertions have been made, and are making by it, to preserve the same good and legal fidelity in its obligations to others which it requests of them; that, if not successful, the failure will arise from the misfortunes or neglect of others; and that, by a firm perseverance in the path of duty on this subject, reciprocal aid will be conferred, both by the merchants and the Treasury, to preserve a sound state of the currency for all the public purposes, and gradually, if not speedily, restore one for all the necessary transactions of life.

This Department confides so much in the intelligence, correct principles, and patriotism of those who, through you, have addressed it, that it cannot doubt they will be solicitous to prevent, even in times of the greatest embarrassment, any discredit being cast on the character and practical workings of our free institutions.

It feels satisfied that the Chamber of Commerce, as well as the whole community, must, after reflecting on such considerations, become quite as desirous as the undersigned for a mutual and vigorous co-operation to uphold the habitual opinions and practices in favor of the inviolability of the constitution and laws, which are fortunately so characteristic of the great mass of the population in every quarter of the Union.

It is in this manner only that the Department can be enabled to carry on the fiscal operations of the Treasury so as to maintain the public faith unimpaired at home and abroad, and sustain, as far as relates to the currency, a sound standard of value, in the true spirit of the constitution, and according to the best established principles of political economy.

Respectfully, yours,

LEVI WOODBURY,
*Secretary of the Treasury.*

To WILLIAM STURGIS, *President*,
G. WALES, R. G. SHAW, } *Vice Presidents, and*
G. M. THATCHER, *Sec'y, Boston Chamber Com.*

F. 2.

TREASURY DEPARTMENT, *May* 19, 1837.

SIR: This Department has, with much surprise, seen several representations in the daily press concerning certain declarations made by you at a recent public meeting in New York city, as to the course you intended to pursue in future in collecting the public revenue.

The importance of the subject, and the nature of these representations, render it my unpleasant duty to call your immediate attention to them.

Some of the accounts of what took place represent you as saying, in substance, that, as the orders of the Treasury could not be complied with, you, on your own responsibility, would dispense with them; while others state that you understood a discretion had been left to you by the Executive on this subject; and that, in the exercise of such discretion, you should not conform to the instructions of the Department, either by collecting the money yourself, which fell due for duties, or by collecting it in such kind of money as the laws require. Other representations convey the idea that, if you pursued such a course, the Government would make no objection to it.

Under a belief that, in these reports, as to your remarks and determination on this subject, some unfortunate errors must have occurred, or that you must have imbibed very incorrect opinions concerning the views entertained by the Department, it becomes proper, on the present occasion, to repeat, in explicit terms, the real character and extent of those views.

1. The order as to the mode of collecting bonds by yourself, rather than through the banks, and in specie or its equivalent, was, in the last respect, in accordance with the course which you reported to this Department for its approval on the suspension of payment by the banks. The order was the same in substance, in all respects, at your port, as that adopted at all other ports in the United States, where no banks paid specie on demand for their notes, and where, in that event, the express language of the deposite act of June, 1836, imperatively required their discontinuance as public depositories; and other laws virtually forbid the receipt of their notes for duties.

2. But, in the wide-spread calamity which had recently fallen on the commercial world, and, through it, upon those banking institutions, in common with others which were depositories of the public money, it was evident that our finances must become embarrassed through the previous embarrassments of others, and that great care and efforts must be exercised to meet faithfully the current public engagements. At the same time, it was desirable that every indulgence and forbearance should be exercised, and were intended by the President and this Department to be liberally exercised, towards the public debtors, which those engagements would permit.

3. Accordingly, in order to mitigate the evils which pressed so heavily on the merchants, this Department, with the sanction of the President, at once authorized a postponement to be granted, in all suitable cases, of the payment of duty bonds, as well before as after suit: and subsequently as new events justified, permitted it to be extended till after the commencement of the next session of Congress.

The Department likewise empowered the collectors to receive for duties the drafts of the Treasurer, in favor of the public creditors, which might not be paid in specie to the holders by the banks on which they were drawn.

Outstanding debenture bonds are also receivable in the same way; and, to afford the opportunity to procure still further aid and relief, if it shall be deemed proper by Congress, that body has been specially convened by the President at the earliest convenient day.

After all these mitigating measures, neither the President nor this Department saw any further indulgence which could be given consistent with the acts of Congress, and which it was within our powers to bestow, limited and regulated as those powers are by various express laws.

It was, and still is, hoped that the merchants would, till Congress assembled, cheerfully incur the diminished sacrifices, in respect to the payment of some of the duties, which their liabilities and business might render necessary; and that the officers connected with the customs would feel a pride, as well as zeal, in encouraging them to uphold the laws faithfully, and neither countenance nor permit any departures from them.

The Executive possesses no authority to delegate to you, nor has it intended to delegate, any discretion to disregard those laws in any particular, or to act contrary to the instructions of the Department, which had been issued in conformity to them; nor can it sanction the exercise of any such discretion on the part of any of the officers of the customs.

It would seem better that the duties, whether due on bonds or in cash, when the goods are entered, and which the merchants may be unable, if not postponed, to pay in any of the legal modes before pointed out, till the early day on which Congress convenes, should go entirely un-

paid from inability to meet them legally, than be collected or discharged in a manner that is not sanctioned either by the acts of Congress or our duty to the Government.

The Department is willing to make liberal allowances for acts growing out of the sympathy naturally felt for the embarrassments of the commercial community, and the strong desire to contribute to their relief; but you must be sensible that the newspaper accounts which have already appeared are calculated to convey the idea that the President and this Department are disposed to overlook, or even to approve, the unauthorized course which it is said you propose to adopt; and it is possible that, from your full knowledge of the sincerity and extent of the anxious desire of the President and of this Department to afford relief, you may have entertained the impression that such would be the case.

It therefore becomes my duty instantly to inform you that all such impresssions are erroneous, and it is hoped that many of the considerations before stated will have occurred to you; and that, under their influence, you will continue to discharge your duties in the manner pointed out in the acts of Congress and the instructions of this Department.

I am, sir, very respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Treasury.*

S. Swartwout, Esq., *Collector, New York.*

F. 3.

New York, *August* 28, 1837.

Sir: The undersigned have been appointed a committee of the Chamber of Commerce of the city of New York, for the purpose of addressing to you the following representations upon the subject of the payment of custom-house bonds becoming due, and of duties upon wool and woollen goods now lying in the public stores in this city.

It appears that there were custom-house bonds in the hands of the district attorney, payable previously to the first of this month, (August,) for - - $2,200,000

| | | | |
|---|---|---|---|
| And at custom-house, payable in | | August, - | 705,500 |
| Ditto | do. | September, | 1,004,727 |
| Ditto | do. | October, - | 536,093 |
| Ditto | do. | November, | 350,646 |
| Ditto | do. | December, | 318,245. |
| | | | $5,115,211 |
| And duties on merchandise not entered, now in public store estimated at - - | | | 2,000,000 |
| | | Total, - | $7,115,211 |

This port being the recipient of merchandise destined for the consumption of a large portion of the Union, the importing merchants here assume, in the first instance, the responsibility of paying the duties to Government; and the history of the past may well attest the fidelity with which that responsibility has been discharged, until the present time, when the general condition of affairs has been so essentially changed.

After the banks of the Union had suspended specie payments, the difficulty of paying the dues to Government in legal currency became insurmountable, and, at the instance of this committee, the period of payment of custom-house bonds was postponed by your Department until the 1st of October next, in order that Congress, which would then be assembled, might make the needful laws upon this new shape of things.

The mercantile and trading interests of the whole country have since been laboring under unparalleled difficulties, so that reliance can no longer be placed upon receipts, which mainly govern the regularity of payments, by all connected with commerce.

Owing to the entire derangement of the internal exchanges, and to the absence of a specie standard, funds, even when collected at various points of the Union, are generally unavailable as the means of payment here.

The banks of the city, with a laudable desire to resume specie payments at the earliest day, must adopt a system of restriction, and therefore withhold facilities, now more needed than ever by their dealers, whose collections in bank chiefly consist of payments of a part only of the amount due, with renewals for the remainder for two, three, and four months; and at the end of those periods, similar renewals are repeated.

This total derangement of all the means of carrying on the business of the country throughout its various sections, has rendered the collection of debts impossible; and, accordingly, the vast amount due for goods already sold in this city, on which a large portion of existing duties were levied, remains unpaid, and without any immediate prospect of liquidation. Nor can sales now be made of foreign merchandise on hand; and it is impracticable to convert goods into money, as well from the inability to pay on the part of buyers, as from the unwillingness to sell on credit on the part of the holders; and sales by auction can only be made at ruinous sacrifices.

A general extension, to a large portion of their debtors, has also been granted, for a period of twelve months and upwards, by the importing merchants of this city; and there is now due from other places, to those engaged here in the importation and sale of foreign merchandise, a much larger amount than would pay off all debts from this city to the Government and to foreign countries.

A very large proportion of the means of the importing merchants is thus virtually withdrawn from their control, and scattered throughout the Union; whence it cannot be collected, in any available manner, in the present state of suspended payments by banks and individuals, of derangement in the domestic exchanges, and of interruption to business, throughout the whole country.

Under these circumstances, the importing merchants have no alternative left, but to ask the Government to apply to them the same measure of relief which they have granted to their debtors, by extending for a year the period of payment of bonds, and of other dues at the custom-house; at which time, it is fully believed there will remain no obstacle to a punctual discharge of all such indebtedness.

The like remarks apply to the inability of the importers of wool and woollen goods, now in public store, to pay duties; which will amount, according to the above estimate, to two millions of dollars. The Government holds these goods in its own keeping; therefore the revenue is secure: and the extension of one year beyond the time required by law may, with entire safety, be granted to the importers for entering and paying the duties on these goods.

The undersigned, therefore, respectully represent the necessity which, under the circumstances set forth herein, renders it expedient that Congress should interfere, at a day previous to the 1st of October next, by the passage of a law providing for the postponement of the collection of such bonds at the custom-house as may fall due prior to the 1st of January next, with the assent of sureties, and upon interest; allowing, however, the option of earlier payment, and thus stopping interest: and, also, to extend, for one year, the respective periods within which goods subject, upon entry, to the payment of duties in cash, may be retained in the public stores.

In the hope that these suggestions may meet your approval, and, in that case, that you will see fit to recommend the passage of such a law, at the opening of the ensuing Congress, and, in the mean time, that you would favor us with a reply,

We have the honor to remain, sir, respectfully, your obedient servants,

J. BOORMAN,
JAMES D. P. OGDEN,
CHARLES H. RUSSELL,
JAMES BROWN,
JAMES LEE,
JAMES G. KING.
GEORGE GRISWOLD,
JOHN B. STEVENS,

*Committee of the Chamber of Commerce, of the city of New York.*

To the Hon. LEVI WOODBURY,
*Secretary of the Treasury, Washington.*

G.

TREASURY DEPARTMENT, ——— 1837.

Sir: Having been furnished with a copy of the law passed by the Legislature of the State of , it appears that you are authorized to receive, in behalf of that State, the amount to be deposited therewith, by the provisions of the act of Congress "to regulate the deposites of the public money," approved 23d June, 1836.

That amount has been ascertained to be dollars, the quarterly payment of which will be made at the respective banks to which they enclosed transfer drafts, amounting in all to $ , are directed, upon your executing a receipt agreeably to the enclosed form, to each of them, for the sums received therefrom.

I am, sir, very respectfully, your obedient servant,

*Secretary of the Treasury.*

P. S. It may be useful, in the present embarrassed condition of the pecuniary concerns of the country and of the banks, to suggest that, for reasons growing out of the deposite act, as well as the existing liabilities of the banks, and the obligations required from the States to the Treasury, no one of the latter is required to accept, on the within transfers, any kind of money which is not available and at par, and which it is not ready to account for in the same way when required.

Should any of the banks, therefore, on which the transfers are drawn, fail to deposite with you such money, they may be returned to this Department, with a statement of the fact, in order that the case may be submitted to Congress at its approaching session.

*Form of a receipt by a State.*

Whereas, by the 13th section of an act of the Congress of the United States, entitled "An act to regulate the deposites of the public money," approved the 23d of June, 1836, it was enacted "that the money which shall be in the Treasury of the United States on the 1st day of January, 1837, reserving the sum of five millions of dollars, shall be deposited with such of the several States, in proportion to their respective representation in the Senate and House of Representatives of the United States, as shall by law authorize their treasurer, or the competent authorities, to receive the same, on the terms hereafter specified; and the Secretary of the Treasury shall deliver the same to such treasurer, or other competent authorities, on receiving certificates of deposite therefor, signed by such competent authorities, in such form as may be prescribed by the Secretary aforesaid."

And whereas, the State of has, by an act of its Legislature, passed on the day of , one thousand eight hundred and thirty , authorized and directed the of the said State to receive its proportional share of the said surplus moneys of the United States on deposite with the said State, upon the terms specified in the said act of Congress:

And whereas the Secretary of the Treasury, in pursuance of the provisions of the said act of Congress, and in conformity with the provisions of the said act of the Legislature of the State of , has delivered to the thereof the sum of dollars and cents, the same being the first instalment, or one-fourth part of the ratable proportion of the said State in the surplus money in the Treasury on the 1st day of January, 1837:

Now, therefore, be it known, that I, do hereby certify that the said sum of dollars and cents has been deposited by the Secretary of the Treasury with the State of , and that, for the safe-keeping and repayment of the same to the United States, in conformity to said act of Congress, the State of is legally bound, and its faith is solemnly pledged. And in pursuance of the authority of the act of the Legislature aforesaid, for and in behalf of the said State, I hereby affix my signature and seal in testimony of the premises, and of the faith of the said State to pay the said money so deposited, and every part thereof, from time to time, whenever the same shall be required by the Secretary of the Treasury, for the purposes, and in the manner and proportions set forth and described in the said recited 13th section of the act of Congress aforesaid, and by a requisition or notice similar in form to that hereto annexed, addressed to the care of the Governor of said State.

Signed and sealed this day of , one thousand eight hundred and thirty .

Attest:

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*The form of a requisition or notice for repayment will be substantially as follows:*

TREASURY DEPARTMENT,
183 .

*To the State of*

Under the provisions of an act of Congress entitled "An act to regulate the deposites of the public money," passed June 23d, 1836, and an act of said State passed , certain sums of money belonging to the United States having been deposited with the State aforesaid for safe-keeping and repayment, in conformity with the provisions of said act, said State is hereby notified that a portion of said money, viz. the sum of $ , is required to be repaid to the United States by the State aforesaid, for the purposes named in said act, and in conformity with its provisions.

*Secretary of the Treasury.*

*Care of his Excellency,*
*Governor of said State.*

[The repayment of the said sum to the Treasurer of the United States will be in one of the following modes, which this Department may in any particular case prefer and direct, viz:

1. By a request annexed to the above requisition to place the same to the credit of said Treasurer in the Bank of , at , on or before the day of next, and to take duplicate receipts therefor; one of which receipts sent to the said Treasurer will be a sufficient voucher for the amount of said repayment on the part of said State.

2. Or, by a request written by said Secretary on the back of a common Treasury warrant, directed to the State for payment by said Treasurer, that said State would pay the same; and which warrant, with a receipt of payment thereon, will be a sufficient voucher as aforesaid.]

H. 1.

*Circular from the Secretary of the Treasury with regard to the receipt and transmission by mail of bank notes.*

TREASURY DEPARTMENT,
*September* 22, 1789.

SIR: In consequence of arrangements lately taken with the Bank of North America and the Bank of New York,

for the accommodation of the Government, I am to inform you that it is my desire that the notes of those banks, payable either on demand, or at no longer period than thirty days after their respective dates, should be received in payment of the duties, as equivalent to gold and silver; and that they will be received from you as such by the Treasurer of the United States.

This measure, besides the immediate accommodation to which it has reference, will facilitate remittances from the several States, without drawing away their specie; an advantage, in every view, important.

I shall cause you shortly to be furnished with indications of the genuine notes as will serve to guard you against counterfeits, and shall direct the manner of remitting them. In the mean time, and until further orders, you will please to receive them, transmitting to me a weekly account of your receipts.

The Treasurer of the United States will probably have occasion to draw upon you for part of the compensation of the members of Congress from your State. These drafts you will also receive in payment of the duties, or in exchange for any specie arising from them which shall have come to your hands.

I am, sir, your obedient servant,

ALEX. HAMILTON,
*Secretary of the Treasury.*

Otho H. Williams, *Collector*
*of Customs for the port of Baltimore, Md.*

H. 2.

*Extract from a report of the Secretary of the Treasury of April* 22, 1790, *with regard to the collection law.*

Sec. 30. This section provides for the receipt of the duties in gold and silver coin only. The Secretary has considered this provision as having for object the exclusion of payments in the paper emissions of the particular States, and the securing the immediate or ultimate collection of the duties in specie, as intended to prohibit to individuals the right of paying in any thing except gold or silver coin, but not to hinder the Treasury from making such arrangements as its exigencies, the speedy command of the public reources, and the convenience of the community, might dictate; those arrangements being compatible with the eventual receipt of the duties in specie. For instance: the Secretary did not imagine that the provision ought to be so understood as to prevent, if necessary, an anticipation of the duties by Treasury drafts receivable at the several custom-houses. And, if it ought not to be understood in this sense, it appeared to him that the principle of a different construction would extend to the permitting the receipt of the notes of public banks issued on a specie fund. Unless it can be supposed that the exchanging of specie, after it has been received for bank notes, to be remitted to the Treasury, is also interdicted, it seems difficult to conclude that the receipt of them, in the first instance, is forbidden.

Such were the reflections of the Secretary with regard to the authority to permit bank notes to be taken in payment of the duties. The expediency of doing it appeared to him to be still less questionable. The extension of their circulation by the measure is calculated to increase both the ability and the inclination of the banks to aid the Government. It also accelerates the command of the product of the revenues for the public service, and it facilitates the payment of the duties. It has the first effect, because the course of business occasions the notes to be sent beforehand to distant places, and being ready on the spot, either for payment or exchange, the first post after the duties become payable, or are received, conveys them to the Treasury. The substitution of Treasury drafts, anticipating the duties, could hardly be made without some sacrifice on the part of the public; as they would be drawn upon time, and upon the expectation of funds to be collected, and, of course, contingent, it is not probable that they would obtain a ready sale, but at a discount, or upon long credit. As they would also be more or less liable to accident, from the failure of expected payments, there would be continually a degree of hazard to public credit. And, to other considerations, it may be added, that the practice of anticipations of this kind is, in its nature, so capable of abuse, as to render it an ineligible instrument of administration in ordinary cases, and fit only for times of necessity.

If the idea of anticipation should be excluded, then the relying wholly upon Treasury drafts would be productive of considerable delay. The knowledge that funds were in hand must precede the issuing of them; here would, of course, be some loss of time. And as the moment of demand, created by the course of business, would frequently elapse, there would as frequently be a further loss of time in waiting for a new demand. In such intervals the public service would suffer, the specie would be locked up, and circulation checked. Bank notes being a convenient species of money, whatever increases their circulation increases the quantity of current money. Hence, the payment of duties is doubly promoted by their aid; they at once add to the quantity of medium, and serve to prevent the stagnation of specie.

The tendency of the measure to lessen the necessity of drawing specie from distant places to the seat of Government, results from the foregoing considerations. The slow operation of Treasury drafts would frequently involve a necessity of bringing on specie to answer the exigencies of Government; the avoiding of which as much as possible, in the particular situation of this country, need not be insisted upon.

I.

Treasury Department, *May* —, 1837.

Sir: As the painful information has reached this Department, through the public press, that your bank has suspended specie payments, the object of this letter is to learn, officially, if that fact has happened; and to receive such explanations concerning the reasons for it, and the future course of your business, as it will be apparent are so important for this Department to know, under the existing liabilities and relations between you and the Government.

While, on the one hand, it is deemed proper that such indulgences should be granted by this Department to its former fiscal agents as they may request, consistently with the laws and with the present state of the Treasury; it must be apparent, on the other hand, that nothing can be granted which is likely to endanger the safety of the public funds and other important public interests.

The imperative provisions of the act of June, 1836, make it the duty of this Department to discontinue ordering any further sums of public money to be placed with the deposite banks, after suspending specie payments. And hence you are notified that no more can be thus deposited in your institution, provided such a failure to redeem your notes has actually occurred.

It is also made my duty as soon as practicable to select other depositories, and place with them the money of the United States in your possession, as well as the accruing revenue; but the Department will endeavor to draw out the funds in your hands by warrants and transfers, reasonable in their amount and in the periods of their payment. Such warrants and transfers, it is trusted, you will at all times be anxious and able to meet, in a manner satisfactory to all concerned; not only with a view to fulfil faithfully your contract, and relieve the Treasury and its creditors from embarrassment and losses, but to exonerate yourselves and sureties from consequences equally injurious, inevitable, and unpleasant.

I trust, further, that you will continue to regard it your duty, while any public money remains in your possession,

to forward regularly, all the returns and statements which are required by your agreement—the mutual advantages from doing which cannot fail to be obvious.

The Department will also feel much obliged if you will furnish, as early as practicable, replies to the two following inquiries, in order that it may be in possession of such intelligence from you, in an authentic form, as will be useful to the community and the States, and very material for regulating properly the future measures of the Treasury. Those inquiries are—

1st. Whether you expect to resume specie payments soon, and what mode you propose to take fully and seasonably to indemnify, secure, and satisfy the Government and the public creditors for any breach of your agreement and bond?

2d. Whether, if you do not expect to resume specie payments soon, any particular time for it hereafter has been yet decided on, and what special efforts or arrangements you intend to make for that very important object?

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Treasury.*

To the Cashier of the ———— Bank.

K.

*List of deposite banks discontinued under the deposite act of June, 1836.*

Mercantile Bank, Bangor, Maine.
Maine Bank, Portland, Maine.
Cumberland Bank, Portland, Maine.
Granite Bank, Augusta, Maine.
York Bank, Saco, Maine.
New Hampshire Bank, Portsmouth, New Hampshire.
Commercial Bank, Portsmouth, New Hampshire.
Portsmouth Bank, Portsmouth, New Hampshire.
Piscataqua Bank, Portsmouth, New Hampshire.
Merrimack County Bank, Concord, New Hampshire.
Mechanics' Bank, Concord, New Hampshire.
Merchants' Bank, Boston, Massachusetts.
Commonwealth Bank, Boston, Massachusetts.
Franklin Bank, Boston, Massachusetts.
Fulton Bank, Boston, Massachusetts.
Hancock Bank, Boston, Massachusetts.
Phœnix Bank, Charelstown, Massachusetts.
Bank of Burlington, Vermont.
Bank of Windsor, Windsor, Vermont.
Quinebaug Bank, Norwich, Connecticut.
Farmers and Mechanics' Bank, Hartford, Connecticut.
Mechanics' Bank, New Haven, Connecticut.
Arcade Bank, Providence, Rhode Island.
Rhode Island Union Bank, Newport, Rhode Island.
Mechanics and Farmers' Bank, Albany, New York.
Manhattan Company, New York, N. Y.
Bank of America, New York, N. Y.
Mechanics' Bank, New York, N. Y.
Seventh Ward Bank, New York, N. Y.
Lafayette Bank, New York, N. Y.
Phœnix Bank, New York, N. Y.
Leather Manufacturers' Bank, New York, N. Y.
Tradesmen's Bank, New York, N. Y.
Dry Dock Company, New York, N. Y.
Merchants' Bank, New York, N. Y.
Union Bank, New York, N. Y.
National Bank, New York, N. Y.
Merchants' Exchange Bank, New York, N. Y.
Brooklyn Bank, Brooklyn, New York.
Commercial Bank, Buffalo, New York.
Troy Bank, Troy, New York.
Trenton Banking Company, New Jersey.
State Bank, Newark, New Jersey.
State Bank, Elizabeth, New Jersey.
Girard Bank, Philadelphia, Pennsylvania.
Moyamensing Bank, Philadelphia, Pennsylvania.
Merchants and Manufacturers' Bank, Pittsburg, Pa.
Bank of Wilmington and Brandywine, Wilmington, Del.
Bank of Delaware, Wilmington, Delaware.
Union Bank of Maryland, Baltimore, Maryland.
Franklin Bank, Baltimore, Maryland.
Bank of Metropolis, District of Columbia.
Bank of Virginia, Richmond, Virginia.
Farmer's Bank of Virginia, at Richmond, Virginia.
Bank of the State of North Carolina, Raleigh, N. Carolina.
Planters and Mechanics' Bank, Charleston, South Carolina.
Bank of Charleston, Charleston, South Carolina.
Bank of Augusta, Georgia.
Branch Bank of Alabama, Mobile, Alabama.
Union Bank, of Louisiana, and branches, New Orleans, La.
Commercial Bank, New Orleans, Louisiana.
Planters' Bank of Mississippi, and branches, Natchez, Miss.
Agricultural Bank, and branches, Natchez, Mississippi.
Union Bank of Tennessee, Nashville, Tennessee.
Planters' Bank and branches, Nashville, Tennessee.
Bank of Kentucky and branches, Louisville, Kentucky.
Northern Bank of Kentucky, at Lexington, and branch at Louisville, Kentucky.
Clinton Bank of Columbus, Ohio.
Franklin Bank of Columbus, Ohio.
Bank of Chillicothe, Ohio.
Franklin Bank, Cincinnati, Ohio.
Commercial Bank, Cincinnati, Ohio.
Agency of Commercial Bank, at St. Louis, Missouri.
Bank of Zanesville, Ohio.
Bank of Wooster, Ohio.
Commercial Bank of Lake Erie at Cleveland, Ohio.
Bank of Cleveland at Cleveland, Ohio.
State Bank of Indiana, Indianapolis, Indiana.
Illinois Bank, at Shawneetown, Illinois.
Bank of Michigan, Detroit, Michigan.
Farmers and Mechanics' Bank of Detroit, Michigan.
*Bank of River Raisin, Michigan.

L.

*List of present deposite banks under the act of June, 1836.*

People's Bank, Bangor, Maine.
†Brooklyn Bank, Brooklyn, New York.
Planters' Bank of Georgia, Savannah, Georgia.
Insurance Bank of Columbus, Georgia.
Louisville Savings Institution, Kentucky.
Bank of the State of Missouri, St. Louis.

M. 1.

*To Collectors of the Customs.*

Treasury Department, *May* 12, 1837.

If the bank where you deposite should suspend specie payments, you will yourself collect and keep safely in your own hands, the public money for all duties at your port, until further directions are given to you by this Department how to deposite, transfer, or pay it. You must, of course, continue to adhere to the existing laws of Congress, and the former instructions of the Treasury, in respect to the kind of money receivable for customs; and by which it is understood to be your duty to require payments to be made in specie, or the notes of specie-paying banks that are at par.

LEVI WOODBURY,
*Secretary of the Treasury.*

M. 2.

*Circular to Receivers of Public Moneys.*

Treasury Department *May* 12, 1837.

If the bank where you deposite should suspend specie payments, you will keep in your own hands, safely, the public money you have in possession, or may hereafter re-

* Discontinued by its request, before the suspension of specie payments.

† Reappointed when resumed specie payments.

ceive, till further directions are given to you by this Department how to deposite, transfer, or pay it, or any portion of it.

You will report to this Department, weekly, the amount on hand.

LEVI WOODBURY,
*Secretary of the Treasury.*

N.

*Circular instructions to Collectors of the Customs and Receivers of Public Money.*

Treasury Department, *June* 9, 1837.

Sir: Should all the banks in your vicinity selected as depositories of the public money have suspended specie payments at any time, so that you can no longer legally deposite in them, as usual, to the credit of the Treasurer, all public moneys received by you, except such sums as may be required to meet the current expenses of your office, the payment of debenture certificates by collectors, &c. in other words, the sums you would formerly have placed in bank to the credit of the Treasurer of the United States, will, under the present arrangements, be placed to his credit, in a separate account, on the books of your office. They will be drawn for, by him, in the following manner, and no other:

1st. By the Treasurer's draft on the officer having funds to his credit directing the payment; which draft will be recorded by the Register of the Treasury, who will authenticate the record by his signature. A private letter of advice will be transmitted by the Treasurer in each case.

2d. By a transfer draft, signed as above, and approved by the signature of the Secretary of the Treasury, for the purpose of transferring funds to some other point where they may be required for the service of the Government.

No deduction whatever is to be made from the moneys placed by you to the credit of the Treasurer, except in one of these two modes, until they can be lodged by you with some legal depository.

On payment of any draft, the party to whom it is paid will receipt it. You will note on it the day of payment, will charge it on the same day to the Treasurer, and will transmit it to him with the return of his account in which it is charged. In charging these payments, it will be proper to enter each draft separately, and to state the number and kind of draft, whether transfer, or on Treasury, War, or Navy warrants, and the amount.

It is also necessary that the Treasurer's account be closed *weekly*, with the conclusion of Saturday's business, and transcripts thereof forwarded in duplicate—one copy to the Secretary of the Treasury, and one to the Treasurer. When the quarter of the year terminates on any other day of the week, the account should be closed on the last day of the quarter—leaving for an additional return the transactions from that time to the close of the week: so that neither the receipts nor payments of different quarters be included in one return. Punctuality in transmitting the return is indispensable.

To produce uniformity in the manner of making the returns of the Treasurer's account, a form is herewith transmitted. For the purpose of binding, it is requested that they be made on paper of nearly the same size. Your *monthly* returns must be rendered to the Department as heretofore.

When the public money shall have accumulated in your hands to an amount exceeding —— dollars, you can make a special deposite of the same, in your name, for safe-keeping, in the nearest bank in which you have heretofore deposited the public money, and which will receive the same, to be held by it, specially subject to the payment of checks or drafts drawn by the Treasurer of the United States on the officer by whom the same has been deposited.

LEVI WOODBURY,
*Secretary of the Treasury.*

O.

*Extract from Treasury report, April 22d, 1790, to the House of Representatives.*

As connected with the difficulties that have occurred in the execution of the laws, which is the subject of this report, the Secretary begs leave, in the last place, to mention the want of an officer in each State, or other considerable subdivision of the United States, having the general superintendence of all the officers of the revenue within such State or such division.

Among the inconveniences attending it, is a great difficulty in drawing from the more remote ports the moneys which are there collected. As the course of business creates little or no demand at the seat of Government, or in its vicinity, for drafts upon such places, negotiations, in this way are either very dilatory or impracticable; neither does the circulation of bank paper, from the same cause, extend to them. This embarrassment would be remedied by having one person in each State, or in a district of the United States of convenient extent, charged with the receipt of all the moneys arising within it, and placed, in point of residence, where there was the greatest intercourse with the seat of Government. This would greatly facilitate negotiations between the Treasury and distant parts of the Union, and would contribute to lessening the necessity of the transportation of specie.

P.

*Statement of the number and amount of warrants drawn on the United States Bank and branches, and the other banks, which were depositories of the public moneys, during the year ending December* 31, 1834.

EASTERN STATES.

| Place. | No. of warrants. | Amount. |
|---|---|---|
| Portland | 76 | $142,020 00 |
| Portsmouth | 48 | 145,752 00 |
| Boston | 296 | 2,610,636 00 |
| Salem | 16 | 56,960 00 |
| Providence | 30 | 86,635 00 |
| Newport | 15 | 16,724 00 |
| Bristol, Rhode Island | 14 | 43,372 00 |
| Hartford | 14 | 129,499 00 |
| Middletown, Connecticut | 10 | 2,215 00 |
| New Haven | 43 | 64,328 00 |
| Burlington | 41 | 78,885 00 |
| | 603 | 3,337,026 00 |
| New London | – | – |
| Bath | – | – |

MIDDLE STATES.

| | | |
|---|---|---|
| New York | 874 | $6,275,628 00 |
| Utica | 13 | 8,278 00 |
| Buffalo | 21 | 9,490 00 |
| Philadelphia | 438 | 5,156,461 00 |
| Harrisburg | 1 | 8 00 |
| Pittsburg | 76 | 88,978 00 |
| Baltimore | 237 | 689,328 00 |
| Washington | 1,458 | 4,163,631 00 |
| Georgetown | 1 | 60,000 00 |
| Alexandria | 10 | 2,041 00 |
| | 3,129 | 16,453,843 00 |
| Albany | – | – |
| Newcastle | – | – |

| SOUTHERN STATES. | | |
|---|---|---|
| Richmond | 75 | $196,358 00 |
| Norfolk | 111 | 696,744 00 |
| Petersburg | 4 | 11,104 00 |
| Fayetteville, North Carolina | 44 | 71,756 00 |
| Charleston, South Carolina | 152 | 344,278 00 |
| Savannah | 63 | 164,370 00 |
| Augusta | 10 | 4,182 00 |
| | 459 | 1,488,792 00 |
| Fredericksburg | – | – |
| Lynchburg | – | – |

| SOUTHWESTERN STATES. | | |
|---|---|---|
| Mobile | 128 | $540,174 00 |
| New Orleans | 192 | 988,551 00 |
| Natchez | 52 | 151,633 00 |
| Nashville | 53 | 115,931 00 |
| | 425 | 1,796,289 00 |
| Columbus, Mississippi | – | – |

| WESTERN STATES. | | |
|---|---|---|
| St. Louis | 111 | $542,291 00 |
| Louisville | 47 | 211,248 00 |
| Lexington | 13 | 84,413 00 |
| Cincinnati | 96 | 532,971 00 |
| Detroit | 116 | 524,409 00 |
| | 383 | 1,892,332 00 |

| SUMMARY. | | |
|---|---|---|
| Eastern States | 603 | $3,377,026 00 |
| Middle States | 3,129 | 16,453,843 00 |
| Southern States | 459 | 1,488,792 00 |
| Southwestern States | 425 | 1,796,289 00 |
| Western States | 383 | 1,892,332 00 |
| | 4,999 | 25,008,282 00 |

Average about $5,000 for each warrant.
Not 1 per each day in each State.
Not 1 per each week in some States.
About 4 each day in Washington city.
About 2 each day in New York.
Not over 1 each day elsewhere in any case.

Q.

*Comparative condition of deposite banks in certain particulars in November, 1836, and in March, May, July, and August, 1837.*

| | 1st Nov., 1836. | 1st Mar., 1837. | 1st May, 1837. | 1st July, 1837. | 15th Aug., 1837. |
|---|---|---|---|---|---|
| **IMMEDIATE MEANS.** | | | | | |
| Specie | $15,520,202 | $15,312,892 | $13,331,610 | $11,429,012 | $10,580,413 |
| Notes of other banks | 16,412,324 | 17,671,447 | 11,484,769 | 10,333,914 | 9,545,429 |
| Due from other banks | 26,662,669 | 25,299,056 | 22,526,351 | 22,430,627 | 24,683,001 |
| | 58,595,195 | 58,283,395 | 47,342,730 | 44,193,553 | 44,808,843 |
| **IMMEDIATE LIABILITIES.** | | | | | |
| Circulation | 41,482,897 | 44,827,595 | 37,617,795 | 31,779,874 | 32,626,004 |
| Due to banks | 24,083,161 | 26,258,412 | 24,590,245 | 23,665,746 | 25,083,891 |
| Depositesites. Treasurer of the U. States | 45,059,539 | 38,960,294 | 26,862,006 | 21,039,325 | 12,944,666 |
| Depositesites. Public officers | 4,318,446 | 5,350,454 | 5,264,052 | 5,121,444 | 4,574,076 |
| Depositesites. Private deposites | 26,573,479 | 29,957,429 | 30,775,428 | 30,112,970 | 29,492,113 |
| | 141,517,522 | 145,354,184 | 125,109,526 | 111,719,359 | 104,720,750 |
| All discounts | – | 171,287,054 | 154,227,992 | 139,718,823 | 130,597,192 |

*Condition of the deposite banks on or about June 15, 1837, in different sections of the country.*

| REGION IN WHICH SITUATED. | Specie. | Notes of other b'nks. | Due by other b'nks. | Due to other b'nks. | Private deposites. | Public officers. | Treasurer of the U. S | Circulation. |
|---|---|---|---|---|---|---|---|---|
| New England States | $672,816 | $1,085,811 | $1,549,298 | $1,242,997 | $2,043,211 | $523,064 | $1,895,897 | $1,660,966 |
| New York | 1,772,610 | 3,301,886 | 9,206,289 | 7,861,943 | 10,765,871 | 760,705 | 4,804,287 | 4,258,010 |
| N. Jersey, Penn., Delaware, Maryland, Dist. Col. | 744,557 | 1,393,242 | 1,977,216 | 2,382,537 | 2,487,014 | 1,763,546 | 2,849,455 | 2,257,932 |
| Virginia, N. Carolina, South Carolina, Georgia | 2,068,954 | 822,560 | 1,161,059 | 1,806,150 | 4,449,964 | 618,577 | 1,470,627 | 6,844,459 |
| Alabama, Mississippi, Louisiana, and Tennessee | 1,168,022 | 554,149 | 2,604,942 | 5,675,864 | 4,520,550 | 1,285,391 | 6,298,897 | 9,375,981 |
| Other Western States, including Michigan | 4,174,977 | 1,734,815 | 5,830,175 | 3,368,293 | 2,733,988 | 385,730 | 7,252,544 | 8,047,208 |
| | 10,601,936 | 8,892,463 | 22,327,979 | 22,337,781 | 27,000,598 | 5,337,013 | 24,571,707 | 32,484,656 |

R.

*Treasurer's weekly statement, showing the amount at his credit in the various banks of public deposite and the mint, by the returns received to Monday, August 28, 1837, the amount for which drafts and warrants have been issued, and were then unpaid, and the amount then remaining subject to his draft.*

| Date of bank returns. | In what banks. | On deposite, by last returns. | Warrants heretofore drawn, but not yet paid though payable. | Subject to draft, exclusive of transfers, not entered by banks. |
|---|---|---|---|---|
| Aug. 19 | Maine Bank, Portland, Maine, | $54,245 33 | $35,639 58 | $18,605 75 |
| 19 | Cumberland Bank, do. do. | 23,859 15 | 15,250 00 | 8,609 15 |
| 19 | People's Bank, Bangor, do. | 20,537 97 | 8,000 00 | 12,537 97 |
| 19 | York Bank, Saco, do. | 82 42 | 82 42 | |
| 19 | New Hampshire Bank, Portsmouth, N. Hampshire | 7,848 54 | 7,848 54 | |
| 19 | Commercial Bank, do. do. | 28,777 81 | 20 00 | 28,757 81 |
| 19 | Portsmouth Bank, do. do. | 8,814 50 | 8,814 50 | |
| 14 | Piscataqua Bank, do. do. | 22,578 46 | 10,148 96 | 12,429 50 |
| 21 | Merrimack County Bank, Concord, do. | 23,732 00 | 8,200 00 | 15,532 00 |
| 19 | Mechanics' Bank, do. do. | 22,275 00 | 9,700 00 | 12,575 00 |
| 19 | Merchants' Bank, Boston, Massachusetts, | 21,820 75 | 21,820 75 | |
| 19 | Commonwealth Bank, do. do. | 24,920 98 | 18,236 97 | 6,684 01 |
| July 8 | Franklin Bank, do. do. | 16,800 00 | – | 16,800 00 |
| Aug. 19 | Fulton Bank, do. do. | 17,736 67 | 17,736 67 | |
| 19 | Bank of Burlington, Vermont, | 85 49 | 85 49 | |
| 5 | Bank of Windsor, Windsor, Vermont, | 503 15 | 503 15 | |
| 19 | Mercantile Bank, Bangor, Maine, | 18,318 08 | 15,150 00 | 3,168 08 |
| 28 | Metropolis. Special, | 140,541 62 | – | 140,541 62 |
| 12 | Quinebaug Bank, Norwich, Connecticut, | 12,784 11 | 8,390 00 | 4,394 11 |
| 21 | Mechanics' Bank, New Haven, do. | 18,845 07 | 14,930 00 | 3,915 07 |
| 19 | Arcade Bank, Providence, Rhode Island, | 1,616 25 | 1,616 25 | |
| 19 | Rhode Island Union Bank, Newport, R. Island, | 3,816 81 | 301 55 | 3,515 26 |
| 19 | Mechanics' and Farmers' Bank, Albany, N. York, | 21,024 88 | 21,024 88 | |
| 21 | Manhattan Company, New York, do. | 226,880 92 | 137,699 97 | 89,180 95 |
| 19 | Bank of America, do. do. | 429,027 16 | 217,144 45 | 211,883 11 |
| 21 | Mechanics' Bank, do. do. | 255,044 82 | 278,886 66 | |
| 12 | Lafayette Bank, do. do. | 39,000 00 | 50,000 00 | |
| 21 | Phœnix Bank, do. do. | 8,438 08 | 8,438 08 | |
| 26 | Tradesmen's Bank, do. do. | 21,000 00 | 6,000 00 | 15,000 00 |
| 18 | Dry Dock Company, do. do. | 40,000 00 | 20,000 00 | 20,000 00 |
| 19 | Merchant's Bank, do. do. | 62,500 00 | 52,317 17 | 10,182 83 |
| 19 | Union Bank, do. do. | 52,758 93 | 36,030 00 | 16,728 93 |
| 19 | National Bank, do. do. | 21,994 12 | 1,500 00 | 20,494 12 |
| 19 | Merchants' Exchange Bank, do. | 15,000 00 | 15,000 00 | |
| 12 | Brooklyn Bank at Brooklyn, do. | 94,616 35 | 5,040 00 | 89,576 35 |
| May 20 | Commercial Bank at Buffalo, do. | 99,613 76 | 37,775 88 | 61,837 88 |
| Aug. 19 | Troy Bank at Troy, New York, | 20 00 | 20 00 | |
| 19 | Trenton Banking Company, New Jersey, | 24,756 50 | 24,756 00 | 50 |
| 19 | State Bank at Newark, do | 50,750 42 | 26,044 00 | 24,706 42 |
| 15 | State bank at Elizabeth, do | 20,000 00 | 16,796 00 | 3,204 00 |
| 19 | Girard Bank, Philadelphia, Pennsylvania, | 249,924 35 | 159,866 98 | 90,057 37 |
| 19 | Moyamensing Bank, do do | 5,521 57 | – | 5,521 57 |
| July 31 | Bank of Delaware, at Wilmington, Delaware, | 2,906 67 | 2,906 67 | |
| Aug. 19 | Union Bank of Maryland, Baltimore, Maryland, | 219,283 06 | 86,336 28 | 132,946 78 |
| 26 | Franklin Bank, do do | 60,915 19 | 42,280 03 | 18,670 16 |
| 28 | Bank of the Metropolis, District of Columbia, | 2,162 83 | 2,153 79 | 9 04 |
| 26 | Bank of Virginia, Richmond, Virginia, | 72,426 98 | 231 50 | 72,195 48 |
| 19 | Branch Bank of Virginia at Norfolk, Virginia, | 174,905 76 | 11,565 36 | 163,340 40 |
| 21 | Farmers' Bank of Virginia at Richmond, do | 148,467 35 | 46,179 03 | 102,288 32 |
| July 29 | Farmers' Bank of Virginia at Winchester, do | 7,336 88 | 7,336 88 | |
| Aug. 19 | Bank of the State of N. Carolina, Raleigh, N. C. | 146,030 12 | 59,610 00 | 86,420 12 |
| 19 | Planters and Mechanics' Bank, Charleston, S. C. | 50,646 78 | 50,404 74 | 242 04 |
| 21 | Bank of Charleston, Charleston, South Carolina | 60,943 23 | 61,737 12 | |
| 19 | Planters' Bank of Georgia, Savannah, Georgia, | 130,065 17 | 75,395 65 | 54,669 52 |
| 12 | Bank of Augusta, Georgia, | 37,169 52 | 37,169 52 | |
| 12 | Insurance Bank of Columbus at Columbus, Ga. | 5,035 00 | 5,035 00 | |
| 12 | Branch Bank of Alabama, Mobile, Alabama, | 1,020,856 26 | 213,932 59 | 806,923 67 |
| July 22 | Union Bank of Lousiana and Branches, N. O. La. | 586,066 05 | 54,995 16 | 531,070 89 |
| August 5 | Commercial Bank, New Orleans, Louisiana, | 863,956 98 | 234,178 45 | 629,778 53 |
| July 31 | Planters' B'k of Miss. and br'ches, Natchez, Miss. | 895,308 67 | 37,716 08 | 857,592 59 |
| August 5 | Agricultural Bank and branches, Natchez, Miss. | 849,065 04 | 170,595 00 | 678,470 04 |

STATEMENT R.—Continued.

| Date of bank returns. | In what Banks. | On deposite, by last returns. | Warrants heretofore drawn, but not yet paid though payable. | Subject to draft, exclusive of transfers, not entered by banks. |
|---|---|---|---|---|
| Aug. 12 | Union Bank of Tennessee, Nashville, - - | 242,885 61 | 213,897 95 | 28,987 66 |
| 12 | Planters' Bank and branches, Nashville, Tenn. - | 271,630 87 | 223,459 34 | 48,171 53 |
| 19 | Bank of Kentucky and branches, Louisville, Ky. - | 601,112 17 | 69,151 26 | 531,960 91 |
| 19 | Louisville Savings Institution, Kentucky, - | 85,463 34 | 6,750 00 | 78,713 34 |
| 19 | Northern Bank of Kentucky, Louisville, Kentucky | 105,231 45 | – | 105,231 45 |
| 19 | Do. do Lexington, do - | 51,439 82 | 60,000 00 | |
| 19 | Clinton Bank of Columbus, Ohio, - - | 419 73 | 389 73 | 30 00 |
| 19 | Franklin Bank of Columbus, Ohio, - - | 52,631 83 | 16,110 27 | 36,521 56 |
| 19 | Bank of Chillicothe, Ohio, - - - | 198,882 00 | 142,500 00 | 56,382 00 |
| 19 | Franklin Bank, Cincinnati, Ohio, - - | 403,103 18 | 33,000 00 | 370,103 18 |
| 19 | Commercial Bank, Cincinnati, Ohio, - - | 347,941 54 | 44,590 07 | 303,351 47 |
| 5 | Agency of do. at St. Louis, Missouri, - - | 589,327 63 | 257,204 10 | 332,123 53 |
| 19 | Bank of Wooster, Ohio, - - - | 44,221 05 | 27,250 00 | 16,971 05 |
| 19 | Commercial Bank of Lake Erie at Cleveland, Ohio - | 60,682 75 | – | 60,682 75 |
| 21 | Bank of Cleveland, Cleveland, Ohio, - - | 20,097 42 | 13,211 52 | 6,885 90 |
| 12 | Br. of State Bank of Indiana Indianopolis, Ind. - | 11,757 97 | 630 92 | 11,127 05 |
| 19 | Branch of State Bank of Indiana at Madison Ind. - | 139,375 87 | – | 139,375 87 |
| 19 | Branch of State Bank at New Albany, Indiana, - | 249,202 33 | – | 249,202 33 |
| 12 | Branch of State Bank, at Lawrenceburg, do - | 322,793 46 | 634 08 | 322,159 38 |
| 19 | Branch of State Bank at Richmond, Indiana, - | 20,000 00 | – | 20,000 00 |
| 5 | Illinois Bank at Shawneetown, Illinois, - - | 39,795 90 | 870 60 | 38,925 30 |
| 12 | Bank of Michigan, Detroit, Michigan, - - | 621,993 22 | 204,535 00 | 417,458 22 |
| 19 | Farmers and Mechanics' Bank of Detroit, Michi. - | 376,057 62 | 44,710 00 | 331,347 62 |
| 26 | Mint to procure metal for coining, - - | 835,875 00 | 2,000 00 | 833,875 00 |
| | | $13,253,916 32 | $3,877,468 19 | *$9,420,644 04 |

* In consequence of outstanding transfer drafts between banks not yet entered upon those returns, there is a difference between this sum and the true amount, which is $9,332,068 13. Deducting the amount of State transfers for the third instalment issued in favor of the States and unpaid, which is $1,165,575 28, there remains in the banks, subject to draft, the sum of $8,166,492 65.

TREASURER'S OFFICE, *August* 30, 1837. JOHN CAMPBELL.

S.

TREASURY DEPARTMENT,
*May* 24, 1837.

To the PRESIDENT *of the United States:*

SIR: In consequence of the recent suspension of specie payments by most of the banks in which the disbursing officers of the Government made their deposites of public money, the undersigned has deemed it proper to take the opinion of the Attorney General on the effect of that measure upon those deposites; and, in consequence thereof, submits the following recommendations to the President:

1st. That all those officers be instructed, by the several departments to which they belong, to make their subsequent deposites in those banks only which pay specie, if such can conveniently be resorted to for that purpose.

2d. That in the event of their being none such, they are to be instructed to deposite in those banks which are willing to give, and do give, such written obligation as the nearest district attorney of the United States may deem sufficient and safe to secure the return of the deposites punctually, when wanted, in such kind of money as was placed in said banks; and

3d. That the existing deposites of those officers, whenever not now in such banks, and not soon expended, be withdrawn, and placed within them as far as practicable.

Respectfully, yours,
LEVI WOODBURY,
*Secretary of the Treasury.*

Approved: M. VAN BUREN, *President.*

Let a copy of the above be sent to each department.
M. VAN BUREN, *President.*

T.

*Circular to collectors of the customs and receivers of public moneys.*

TREASURY DEPARTMENT, *May* 17, 1837.

SIR: You will receive, enclosed, the blank form in which the Treasurer of the United States will, hereafter, issue his drafts, in convenient sums for payments to the creditors of the Government, and for advances made, in pursuance of law, to disbursing officers, with the signatures of the Treasurer and Register written on its face, for information as to their hand writing.

The warrants on which these drafts may be issued will be retained in the possession of the Treasurer; and the drafts will be directed for payment, either to a cashier of a bank, a collector of the customs, or a receiver of public moneys, as the convenience of the service may require. For greater safety, notice will be given by the Treasurer to the bank, collector, or receiver, on whom they shall be drawn, stating the date, number, and amount of each draft drawn on them respectively, and also the name of the person or persons in whose favor they issue.

If the drafts on the banks be not seasonably discharged on presentment, the collectors and receivers are requested to redeem them by receiving them in payment for duties or public lands, provided that before they shall be received by any such collector or receiver, a certificate that they have been properly presented to the bank, and not paid, shall be furnished. This certificate will be given on the back of them by the cashier of the bank on which they are drawn; or, on his failure to give such certificate, or his signature not being known or verified to the collector and the receiver, the Treasurer of the United States, on a return of the checks to him, and his being convinced, by any evidence, that the bank declines to pay them in a manner satisfactory to the holder, will himself make a certificate thereon, which will justify the above-named officers in taking them up in the manner before described.

The drafts so received by you will immediately be cancelled by a cross with ink, on their face, and a hole cut through the centre of them. Retaining a schedule of the numbers and amount of each, you will then transmit them, weekly, to the Treasurer of the United States; and the officers by whom they were taken up will, on their receipt by the Treasurer, obtain credits in their accounts with the United States for the amount of such as are correct. You will also return to him, weekly, a statement of the gross amount of checks taken up, and of the gross amount of money on hand.

The banks on which these checks are drawn, if paying them, will be expected to act in a similar manner as to cancelling and returning them weekly to the Treasurer.

LEVI WOODBURY, *Secretary of the Treasury*

*Statement of the condition of the several Deposite Banks, at their last returns received at the Treasury Department, on or near the 15th day of August, 1837.*

| States. | Names and location of banks. | Date of return. | Loans and discounts. | Bills of exchange. | Suspended debt. | Stocks. |
|---|---|---|---|---|---|---|
| MAINE | Maine Bank, at Portland | Aug. 12 | $318,100 31 | $108,931 00 | | |
| | Bank of Cumberland, Portland | 14 | 353,064 69 | 74,309 70 | | |
| | Granite Bank, Augusta | July 15 | 94,221 55 | 41,076 67 | | |
| | People's Bank, Bangor | Aug. 15 | 85,894 88 | 36,071 92 | $6,831 31 | |
| | York Bank, Saco | 12 | 136,822 66 | – | 653 25 | |
| | Mercantile Bank, Bangor | 15 | 108,802 54 | 18,858 30 | | |
| NEW HAMPSHIRE | Commercial Bank, Portsmouth | 14 | 257,275 26 | 7,766 89 | | |
| | Merrimack County Bank, Concord | 15 | 134,396 83 | – | 570 41 | |
| | Portsmouth Bank, Portsmouth | 12 | 115,051 50 | 7,699 63 | | |
| | New Hampshire Bank, Portsmouth | 19 | 163,984 47 | 2,853 47 | 9,488 81 | $8,919 47 |
| | Piscataqua Bank, Portsmouth | 14 | 494,992 93 | 181,178 39 | 22,599 16 | 4,200 00 |
| | Mechanics' Bank, Concord | 15 | 115,094 73 | – | 16,985 00 | |
| VERMONT | Bank of Burlington | 17 | 138,323 67 | 93,885 33 | 8,971 56 | |
| | Bank of Windsor | 1 | 126,795 33 | 4,200 00 | | |
| MASSACHUSETTS | Merchants' Bank, Boston | 15 | 1,439,586 01 | 783,825 34 | | |
| | Hancock Bank, Boston | July 15 | 953,008 09 | 32,754 62 | 11,813 00 | |
| | Fulton Bank, Boston | May 1 | 762,851 87 | 110,320 81 | | |
| | Franklin Bank, Boston | June 15 | 289,608 13 | | | |
| | Commonwealth Bank, Boston | Aug. 16 | 1,002,788 04 | 14,800 00 | 12,000 00 | |
| | Phœnix Bank, Charlestown | July 31 | 443,946 51 | 15,308 96 | | |
| CONNECTICUT | Mechanics' Bank, New Haven | Aug. 14 | 256,079 60 | 87,600 15 | – | 210,000 00 |
| | Farmers and Mechanics' Bank, Hartford | 20 | 378,307 27 | 159,205 33 | 39,030 00 | |
| | Quinebaug Bank, Norwich | 15 | 486,432 11 | 57,133 91 | 32,600 04 | 37,700 00 |
| RHODE ISLAND | Arcade Bank, Providence | 15 | 364,811 39 | 86,700 15 | 11,100 00 | |
| | Rhode Island Union Bank, Newport | 12 | 140,256 63 | 23,735 49 | 2,139 31 | 26,190 00 |
| NEW YORK | Lafayette Bank, New York | 8 | 866,591 47 | | | |
| | Seventh Ward Bank, New York | July 24 | 842,186 49 | | | |
| | Manhattan Company, New York | Aug. 16 | 3,820,523 05 | 212,315 48 | | |
| | Bank of America, New York | 14 | 3,755,922 75 | 196,500 00 | 110,789 28 | 15,000 00 |
| | Leather Manufacturers' Bank, New York | July 31 | 1,185,104 63 | | | |
| | Mechanics and Farmers' Bank, Albany | Aug. 15 | 733,408 56 | 204,260 22 | | |
| | Mechanics' Bank, New York | 15 | 3,666,808 89 | – | 1,207,190 37 | |
| | Phœnix Bank, New York | 16 | 2,234,180 97 | | | |
| | Merchants' Bank, New York | 11 | 3,409,596 00 | – | 121,182 00 | |
| | Tradesmen's Bank, New York | July 31 | 807,114 55 | – | 8,975 36 | |
| | Union Bank, New York | Aug. 19 | 2,296,696 85 | – | 51,611 62 | |
| | Brooklyn Bank, Brooklyn | 15 | 287,597 45 | – | 110,483 64 | |
| | Bank of Troy, Troy | 15 | 939,660 64 | – | – | 54,544 41 |
| | Merchants' Exchange Bank, New York | 1 | 1,576,541 07 | – | 791 86 | |
| | National Bank, New York | 15 | 1,246,270 02 | – | 35,571 27 | |

STATEMENT U.—Continued.

| STATES. | Name and location of banks. | Date of return. | Real estate. | Other investments. | Expenses. | Balances due from banks. | Notes of other banks on hand. |
|---|---|---|---|---|---|---|---|
| MAINE | Maine Bank, at Portland | Aug. 12 | – | – | $918 32 | $33,807 69 | $8,889 00 |
| | Bank of Cumberland, Portland | 14 | – | – | 945 28 | 4,129 26 | 24,488 35 |
| | Granite Bank, Augusta | July 15 | $5,882 25 | – | – | 28,094 53 | 36,669 00 |
| | People's Bank, Bangor | Aug. 15 | – | – | 597 56 | 5,698 69 | 2,063 00 |
| | York Bank, Saco | 12 | 4,427 62 | $147 48 | 255 35 | 31,118 03 | 85 00 |
| | Mercantile Bank, Bangor | 15 | 12,000 00 | – | 585 08 | 46,244 41 | 1,790 00 |
| NEW HAMPSHIRE | Commercial Bank, Portsmouth | 14 | – | – | 3,530 91 | 101,690 68 | 16,618 45 |
| | Merrimack County Bank, Concord | 15 | 4,671 65 | – | 866 15 | 55,087 61 | 4,911 00 |
| | Portsmouth Bank, Portsmouth | 12 | 5,616 93 | – | – | 38,749 85 | 2,705 23 |
| | New Hampshire Bank, Portsmouth | 19 | 8,979 12 | – | 37 66 | 14,413 66 | 6,835 00 |
| | Piscataqua Bank, Portsmouth | 14 | – | – | 415 33 | 38,903 26 | 5,303 39 |
| | Mechanics' Bank, Concord | 15 | 1,465 98 | 10 56 | 30 50 | 37,802 76 | 3,357 00 |
| VERMONT | Bank of Burlington | 17 | 500 00 | – | 1,005 83 | 48,875 20 | 5,353 28 |
| | Bank of Windsor | 1 | 4,000 00 | – | – | 17,765 12 | 5,020 00 |
| MASSACHUSETTS | Merchants' Bank, Boston | 15 | 110,000 00 | – | 5,091 91 | 506,653 46 | 256,589 00 |
| | Hancock Bank, Boston | July 15 | – | – | 2,075 00 | 54,289 65 | 200,491 00 |
| | Fulton Bank, Boston | May 1 | – | – | 3,593 88 | 39,649 41 | 172,726 00 |
| | Franklin Bank, Boston | June 15 | 23,873 86 | – | 89 32 | 42,570 64 | 2,250 88 |
| | Commonwealth Bank, Boston | Aug. 16 | – | – | 9,273 00 | 238,000 00 | 280,090 23 |
| | Phœnix Bank, Charlestown | July 31 | 5,000 00 | – | 2,425 83 | 21,145 36 | 10,387 00 |
| CONNECTICUT | Mechanics' Bank, New Haven | Aug. 14 | 8,625 17 | 47,578 21 | – | 15,903 59 | 8,383 00 |
| | Farmers and Mechanics' Bank, Hartford | 20 | 14,769 41 | 13,959 84 | 1,920 94 | 43,987 09 | 16,780 00 |
| | Quinebaug Bank, Norwich | 15 | 12,937 17 | 3,107 47 | 805 98 | 25,969 04 | 4,281 11 |
| RHODE ISLAND | Arcade Bank, Providence | 15 | – | – | 188 06 | 50,156 29 | 9,470 00 |
| | Rhode Island Union Bank, Newport | 12 | 18,798 66 | – | 4 64 | 23,907 48 | 1,718 00 |
| NEW YORK | Fafayette Bank, New York | 8 | 8,700 00 | 5,416 67 | 2,799 27 | 65,416 62 | 35,735 41 |
| | Seventh Ward Bank, New York | July 24 | 6,105 00 | 18,227 10 | 6,625 75 | 170,622 31 | 38,910 84 |
| | Manhattan Company, New York | Aug. 16 | 390,534 48 | 417,270 46 | – | 975,836 45 | 438,813 17 |
| | Bank of America, New York | 14 | 113,467 19 | 2,696,185 71 | 4,544 91 | 1,264,143 19 | 343,532 89 |
| | Leather Manufacturers' Bank, New York | July 31 | – | 16,961 54 | – | 447,445 84 | 271,296 19 |
| | Mechanics and Farmers' Bank, Albany | Aug. 15 | 20,000 00 | 303,709 13 | 622 85 | 161,309 63 | 51,798 00 |
| | Mechanics' Bank, New York | 15 | 71,569 90 | 54,727 54 | 24,422 28 | 952,613 00 | 342,063 00 |
| | Phœnix Bank, New York | 16 | 63,542 45 | 84,340 08 | 6,149 06 | 1,845,521 14 | 370,725 00 |
| | Merchants' Bank, New York | 11 | 44,207 00 | 35,479 00 | 5,226 00 | 2,699,870 00 | 846,179 00 |
| | Tradesmen's Bank, New York | July 31 | 24,000 00 | 11,000 00 | 497 67 | 97,434 80 | 39,580 50 |
| | Union Bank, New York | Aug. 19 | 32,106 10 | 29,347 22 | 6,081 78 | 508,337 31 | 399,769 75 |
| | Brooklyn Bank, Brooklyn | 15 | 11,265 10 | 4,175 00 | 5,570 74 | – | 21,452 70 |
| | Bank of Troy, Troy | 15 | 12,000 00 | 13,200 00 | 300 15 | 45,143 86 | 47,572 30 |
| | Merchants' Exchange Bank, New York | 1 | 20,376 18 | 19,941 78 | 1,428 02 | 378,202 12 | 454,526 35 |
| | National Bank, New York | 15 | 29,637 67 | 20,634 06 | 5,456 35 | 677,034 22 | 159,938 68 |

STATEMENT U.—Continued.

| STATES. | Names and location of banks. | Date of return. | Specie on hand. | Circulation. | DEPOSITES. | | |
|---|---|---|---|---|---|---|---|
| | | | | | Treasurer of the United States. | Public officers. | All other depositors. |
| MAINE | Maine Bank, at Portland | Aug. 12 | $18,476 31 | $28,417 00 | $54,366 16 | $17,163 96 | $60,168 46 |
| | Bank of Cumberland, Portland | 14 | 30,688 33 | 107,680 00 | 29,949 15 | – | 53,279 33 |
| | Granite Bank, Augusta | July 15 | 16,091 65 | 47,600 00 | 3,420 00 | – | 69,532 33 |
| | People's Bank, Bangor | Aug. 15 | 12,516 36 | 11,418 00 | 20,537 97 | – | 4,216 11 |
| | York Bank, Saco | 12 | 12,907 12 | 44,076 00 | 82 42 | – | 35,548 13 |
| | Mercantile Bank, Bangor | 15 | 12,625 29 | 54,520 00 | 18,318 08 | 15,168 68 | 4,902 42 |
| NEW HAMPSHIRE | Commercial Bank, Portsmouth | 14 | 12,773 48 | 80,738 00 | 28,797 81 | 45,842 73 | 50,608 29 |
| | Merrimack County Bank, Concord | 15 | 8,443 26 | 19,459 00 | 23,732 00 | 47,681 63 | 4,143 34 |
| | Portsmouth Bank, Portsmouth | 12 | 7,697 97 | 35,438 00 | 8,814 50 | – | 28,299 85 |
| | New Hampshire Bank, Portsmouth | 19 | 8,012 07 | 40,658 00 | 7,848 54 | – | 26,821 78 |
| | Piscataqua Bank, Portsmouth | 14 | 32,521 61 | 118,984 00 | 22,578 46 | – | 28,779 28 |
| | Mechanics' Bank, Concord | 15 | 7,850 82 | 49,948 00 | 22,275 00 | – | 9,916 26 |
| VERMONT | Bank of Burlington | 17 | 22,291 95 | 92,225 00 | 85 49 | 36,760 16 | 21,597 62 |
| | Bank of Windsor | 1 | 12,970 09 | 46,773 00 | 503 15 | 28,606 13 | 1,558 09 |
| MASSACHUSETTS | Merchant's Bank, Boston | 15 | 163,078 11 | 211,272 00 | 26,820 75 | 45,857 45 | 162,434 16 |
| | Hancock Bank, Boston | July 15 | 14,362 50 | 131,752 00 | 4,884 49 | 71,090 65 | 362,126 81 |
| | Fulton Bank, Boston | May 1 | 60,052 25 | 118,489 00 | 172,155 68 | – | 223,730 80 |
| | Franklin Bank, Boston | June 15 | 38,053 76 | 102,871 50 | 54,000 00 | – | 71,652 96 |
| | Commonwealth Bank, Boston | Aug. 16 | 40,172 98 | 203,965 00 | 24,920 98 | 100,985 65 | 483,053 50 |
| | Phœnix Bank, Charlestown | July 31 | 8,099 62 | 83,164 00 | – | 11,612 93 | 93,199 13 |
| CONNECTICUT | Mechanics' Bank, New Haven | Aug. 14 | 35,170 40 | 62,345 00 | 21,855 07 | 3,444 00 | 58,652 38 |
| | Farmers and Mechanics' Bank, Hartford | 20 | 29,450 87 | 42,802 00 | – | 108,895 18 | 58,293 97 |
| | Quinebaug Bank, Norwich | 15 | 8,003 68 | 55,570 00 | 12,784 11 | – | 43,679 55 |
| RHODE ISLAND | Arcade Bank, Providence | 15 | 40,295 71 | 42,980 00 | 1,616 25 | 43,942 41 | 43,858 75 |
| | Rhode Island Union Bank, Newport | 12 | 13,227 82 | 24,144 00 | 3,816 81 | – | 20,571 14 |
| NEW YORK | Lafayette Bank, New York | 8 | 42,919 44 | 109,480 00 | 49,000 00 | 40,000 00 | 142,999 37 |
| | Seventh Ward Bank, New York | July 24 | 77,569 23 | 66,765 00 | 35,508 05 | – | 235,504 56 |
| | Manhattan Company, New York | Aug. 16 | 209,370 71 | 426,665 92 | 239,127 39 | 131,011 84 | 2,409,511 72 |
| | Bank of America, New York | 14 | 613,931 68 | 425,419 00 | 461,377 16 | 210,434 02 | 1,203,545 88 |
| | Leather Manufacturers' Bank, New York | July 31 | 78,628 07 | 139,265 00 | 72,089 29 | – | 560,639 34 |
| | Mechanics and Farmers' Bank, Albany | Aug. 15 | 70,979 07 | 164,683 00 | 21,310 28 | 34,871 84 | 224,559 69 |
| | Mechanics' Bank, New York | 15 | 43,209 00 | 417,177 00 | 314,861 42 | – | 1,796,238 33 |
| | Phœnix Bank, New York | 16 | 151,890 20 | 382,537 23 | 8,438 08 | – | 828,249 10 |
| | Merchants' Bank, New York | 11 | 42,616 00 | 753,987 00 | 64,566 00 | 1,773 00 | 1,361,276 00 |
| | Tradesmen's Bank, New York | July 31 | 33,214 58 | 40,388 00 | 36,987 05 | – | 302,745 04 |
| | Union Bank, New York | Aug. 19 | 124,705 80 | 443,052 38 | 52,750 93 | – | 880,705 32 |
| | Brooklyn Bank, Brooklyn | 15 | 4,920 10 | 22,256 00 | 94,616 35 | 3,003 18 | 84,742 16 |
| | Bank of Troy, Troy | 15 | 18,264 20 | 87,184 11 | 40 00 | 33,775 51 | 85,306 88 |
| | Merchants' Exchange Bank, New York | 1 | 54,612 73 | 171,558 00 | 28,528 21 | – | 487,571 44 |
| | National Bank, New York | 15 | 76,933 37 | 285,555 00 | 22,734 12 | 6,000 00 | 775,136 59 |

STATEMENT U.—Continued.

| STATES. | Names and location of banks. | Date of return. | Balances due to banks. | Other liabilities. | Capital stock. | Contingent fund. | Profit and loss, discount, and interest. |
|---|---|---|---|---|---|---|---|
| MAINE | Maine Bank at Portland | Aug. 12 | $7,722 75 | – | $305,000 00 | – | 16,284 30 |
| | Bank of Cumberland, Portland | 14 | 2,506 00 | $35,653 62 | 250,000 00 | – | 8,557 51 |
| | Granite Bank, Augusta | July 15 | 6 37 | – | 100,000 00 | – | 1,476 95 |
| | People's Bank, Bangor | Aug. 15 | – | 8,979 56 | 100,000 00 | – | 4,468 08 |
| | York Bank, Saco, | 12 | – | – | 100,000 00 | – | 6,709 96 |
| | Mercantile Bank, Bangor | 15 | 5,446 11 | – | 100,000 00 | – | 2,550 33 |
| NEW HAMPSHIRE | Commercial Bank, Portsmouth | 14 | 119 96 | 9,620 00 | 150,000 00 | 20,000 00 | 13,928 88 |
| | Merrimack County Bank, Concord | 15 | – | – | 100,000 00 | – | 13,930 94 |
| | Portsmouth Bank, Portsmouth | 12 | – | – | 100,000 00 | 3,056 84 | 911 92 |
| | New Hampshire Bank, Portsmouth | 19 | – | – | 147,500 00 | – | 695 41 |
| | Piscataqua Bank, Portsmouth | 14 | 8,371 67 | 270,165 84 | 300,000 00 | 25,214 93 | 6,019 89 |
| | Mechanics' Bank, Concord | 15 | – | – | 100,000 00 | – | 458 09 |
| VERMONT | Bank of Burlington | 17 | – | – | 150,000 00 | 6,000 00 | 12,538 55 |
| | Bank of Windsor | 1 | – | – | 80,000 00 | – | 13,310 17 |
| MASSACHUSETTS | Merchants' Bank, Boston | 15 | 1,102,918 93 | – | 1,500,000 00 | 151,028 25 | 64,492 29 |
| | Hancock Bank, Boston | July 15 | 168,413 10 | – | 500,000 00 | 14,500 00 | 16,026 81 |
| | Fulton Bank, Boston | May 1 | 131,054 86 | – | 500,000 00 | 1,385 71 | 2,378 17 |
| | Franklin Bank, Boston | June 15 | 17,252 87 | – | 150,000 00 | 367 20 | 302 06 |
| | Commonwealth Bank, Boston | Aug. 16 | 265,000 00 | – | 500,000 00 | 10,270 83 | 8,928 29 |
| | Phœnix Bank, Charlestown | July 31 | – | – | 300,000 00 | – | 18,337 22 |
| CONNECTICUT | Mechanics' Bank, New Haven | Aug. 14 | 34,167 83 | – | 473,050 00 | 13,554 35 | 2,271 49 |
| | Farmers and Mechanics' Bank, Hartford | 20 | 4,428 16 | – | 465,100 00 | 5,625 00 | 12,266 44 |
| | Quinebaug Bank, Norwich | 15 | 12,758 28 | 35,000 00 | 500,000 00 | – | 9,178 57 |
| RHODE ISLAND | Arcade Bank, Providence | 15 | 23,131 42 | – | 400,000 00 | – | 7,192 77 |
| | Rhode Island Union Bank, Newport | 12 | 806 31 | – | 200,000 00 | – | 639 77 |
| NEW YORK | Lafayette Bank, New York | 8 | 66,039 01 | 73,750 00 | 500,000 00 | – | 46,310 50 |
| | Seventh Ward Bank, New York | July 24 | 133,671 64 | 67,372 02 | 500,000 00 | – | 121,425 45 |
| | Manhattan Company, New York | Aug. 16 | 670,554 11 | 520,979 05 | 2,050,000 00 | – | 16,843 77 |
| | Bank of America, New York | 14 | 969,563 15 | 2,398,876 10 | 3,001,200 00 | – | 413,602 29 |
| | Leather Manufacturers' Bank, New York | July 31 | 440,588 75 | 90,311 10 | 600,000 00 | – | 96,542 79 |
| | Mechanics and Farmers' Bank, Albany | Aug. 15 | 288,390 70 | 179,576 18 | 442,000 00 | – | 190,695 77 |
| | Mechanics' Bank, New York | 15 | 1,139,451 00 | 13,629 69 | 2,000,000 00 | – | 681,246 54 |
| | Phœnix Bank, New York | 16 | 1,564,759 29 | 144,932 72 | 1,500,000 00 | 293,960 35 | 33,447 38 |
| | Merchants' Bank, New York | 11 | 3,013,623 00 | 103,125 00 | 1,490,000 00 | 375,399 00 | 40,606 00 |
| | Tradesmen's Bank, New York | July 31 | 110,315 53 | – | 400,000 00 | – | 131,381 84 |
| | Union Bank, New York | Aug. 19 | 775,254 16 | 75,000 00 | 1,000,000 00 | – | 221,893 64 |
| | Brooklyn Bank, Brooklyn | 15 | 8,687 40 | 254 57 | 200,000 00 | – | 31,905 07 |
| | Bank of Troy, Troy | 15 | 210,557 34 | 160,000 00 | 440,000 00 | – | 113,821 72 |
| | Merchants' Exchange Bank, New York | 1 | 894,232 31 | 41,423 09 | 750,000 00 | – | 133,101 06 |
| | National Bank, New York | 15 | 170,759 24 | 100,000 00 | 750,000 00 | – | 141,290 69 |

STATEMENT U.—Continued.

| STATES. | Names and location of banks. | Date of return. | Loans and discounts. | Bills of exchange. | Suspended debt. | Stocks. |
|---|---|---|---|---|---|---|
| NEW JERSEY | Trenton Banking Company, Trenton | Aug. 15 | 441,952 00 | – | 9,839 00 | 25,820 00 |
| | State Bank, at Newark | 17 | 397,852 66 | – | 24,308 97 | 140 00 |
| | State Bank, at Elizabethtown | July 31 | 272,603 27 | 22,650 00 | 722 70 | |
| PENNSYLVANIA | Girard Bank, at Philadelphia | 29 | 6,628,950 28 | 481,207 89 | 108,328 99 | 534,210 35 |
| | Moyamensing Bank, Philadelphia | Aug. 9 | 452,854 86 | – | 1,151 26 | |
| | Merchants and Manufacturers' Bank, Pittsburg | 9 | 1,247,524 99 | 378,321 13 | 5,352 04 | |
| DELAWARE | Bank of Delaware, Wilmington | July 1 | 301,910 34 | – | 6,385 98 | 81,335 17 |
| MARYLAND | Franklin Bank of Baltimore | Aug. 14 | 954,086 31 | 132,754 33 | 9,674 04 | 198,991 43 |
| | Union Bank of Maryland, Baltimore | 21 | 2,254,194 76 | 407,864 78 | 162,315 56 | 759,472 72 |
| DISTRICT OF COLUMBIA | Bank of the Metropolis, Washington | 15 | 1,125,577 65 | 187,825 15 | 12,383 03 | 16,800 00 |
| VIRGINIA | Bank of Virginia and branches | 15 | 5,689,162 26 | 872,940 67 | 1,202,865 84 | 368,181 56 |
| | Farmers' Bank of Virginia, Richmond | 17 | 1,804,455 34 | 360,749 77 | 63,097 58 | 4,900 00 |
| | Branch of ditto, at Winchester | July 15 | 253,505 03 | – | 135,500 00 | |
| NORTH CAROLINA | Bank of the State, at Raleigh | 22 | 2,381,339 53 | 311,405 80 | 309,499 17 | |
| SOUTH CAROLINA | Planters and Mechanics' Bank of S. C., Charleston | Aug. 11 | $1,844,461 67 | $14,901 31 | $172,482 86 | $282,350 45 |
| | Bank of Charleston, Charleston | 15 | 2,680,569 39 | 666,612 59 | 343,798 37 | 2,500 00 |
| GEORGIA | Bank of Augusta | 8 | 1,049,841 88 | 172,174 88 | 255,768 29 | 87,960 00 |
| | Planters' Bank of the State, Savannah | 8 | 783,845 41 | 88,496 02 | 135,284 92 | |
| ALABAMA | Branch of the Bank of the State, Mobile | 7 | 2,994,434 16 | 517,967 28 | 1,387,313 63 | |
| MISSISSIPPI | Planters' Bank of the State, Natchez | 3 | 5,165,435 39 | 1,086,896 41 | 2,672,343 14 | 125,900 00 |
| | Agricultural Bank of the State, Natchez | July 31 | 4,000,776 86 | 934,417 74 | 682,700 90 | |
| LOUISIANA | Commercial Bank of New Orleans | 29 | 3,636,746 53 | 406,876 53 | 443,599 45 | 68,300 00 |
| | Union Bank of Louisiana | 31 | 7,643,349 33 | 905,268 92 | 1,068,205 29 | |
| TENNESSEE | Union Bank of the State and branches | Aug. 5 | 3,489,644 53 | 1,023,679 70 | 604,010 59 | |
| | Planters' Bank of the State and branches | 16 | 3,346,083 59 | 1,245,062 69 | 20,008 90 | |
| KENTUCKY | Bank of Kentucky, Louisville | 15 | 2,113,585 53 | 694,871 21 | 28,223 87 | 1,120,000 00 |
| | Savings Institution, Louisville | 16 | 172,531 72 | 13,385 73 | 17,150 00 | |
| | Northern Bank of Kentucky, Lexington | 7 | 1,078,097 07 | 157,576 45 | 13,525 00 | 446,000 00 |
| | Branch of ditto, Louisville | 14 | 501,688 68 | 98,385 19 | 114,850 72 | 345,000 00 |
| | Branch of ditto, Paris | 17 | 378,584 76 | 4,211 16 | 4,900 00 | 90,000 00 |
| | Branch of ditto, Richmond | 7 | 150,934 58 | 1,357 37 | – | 50,000 00 |
| | Branch of ditto, Covington | 7 | 267,002 90 | 47,315 04 | – | 75,000 00 |
| OHIO | Franklin Bank of Columbus | 9 | 634,416 68 | | | |
| | Clinton Bank of Columbus | 19 | 370,667 03 | | | |
| | Franklin Bank of Cincinnati | 19 | 1,086,222 47 | 560,410 56 | 22,035 27 | 47,000 00 |
| | Commercial Bank of Cincinnati | 16 | 929,315 29 | 966,048 74 | 28,477 69 | |
| | Agency of ditto, at St. Louis | July 31 | 23,443 37 | 335,661 48 | 47,293 87 | |
| | Commercial Bank of Lake Erie, Cleveland | Aug. 15 | 659,632 54 | 116,577 73 | 15,281 82 | |
| | Bank of Chillicothe | 14 | 4,278 36 | 331,531 46 | 112,146 00 | 191,082 74 |
| | Bank of Cleveland | 16 | 435,144 99 | 52,750 59 | 5,775 00 | |
| | Bank of Wooster | 15 | 264,941 00 | 91,349 46 | 44,725 65 | |

STATEMENT U.—Continued.

| STATES. | Names and location of banks. | Date of return. | Real estate. | Other investments. | Expenses. | Balances due from banks. | Notes of other banks on hand. |
|---|---|---|---|---|---|---|---|
| NEW JERSEY | Trenton Banking Company, Trenton | Aug. 15 | 5,141 00 | – | – | 32,221 00 | 31,918 00 |
| | State Bank, at Newark | 17 | 10,075 67 | – | 1,254 01 | 60,493 05 | 57,491 32 |
| | State Bank, at Elizabethtown | July 31 | 14,776 00 | – | 1,494 23 | 24,543 99 | 6,220 00 |
| PENNSYLVANIA | Girard Bank, at Philadelphia | 29 | – | 676,654 79 | 7,425 36 | 1,138,620 48 | 264,914 14 |
| | Moyamensing Bank, Philadelphia | Aug. 9 | 16,172 00 | – | 3,131 82 | 50,251 16 | 39,085 00 |
| | Merchants and Manufacturers' Bank, Pittsburg | 9 | – | – | 4,708 72 | 565,615 64 | 192,124 00 |
| DELAWARE | Bank of Delaware, Wilmington | July 1 | 27,723 64 | – | 351 00 | 27,606 88 | 7,326 19 |
| MARYLAND | Franklin Bank of Baltimore | Aug. 14 | 42,874 93 | 6,665 42 | 7,281 60 | 114,225 40 | 160,636 96 |
| | Union Bank of Maryland, Baltimore | 21 | 152,366 95 | 27,850 12 | 2,856 49 | 400,699 05 | 281,398 89 |
| DIST. OF COLUMBIA | Bank of the Metropolis, Washington | 15 | 27,028 84 | 3,170 17 | 659 05 | 179,599 00 | 172,569 57 |
| VIRGINIA | Bank of Virginia and branches | 15 | 303,565 25 | 399,710 69 | 9,780 85 | 687,898 70 | 134,020 06 |
| | Farmers' Bank of Virginia, Richmond | 17 | 91,330 81 | 236,449 82 | 1,520 07 | 26,206 46 | 99,486 73 |
| | Branch of do. at Winchester | July 15 | 22,490 18 | – | – | 63,503 15 | 15,733 15 |
| NORTH CAROLINA | Bank of the State, at Raleigh | 22 | 35,311 13 | – | 3,951 78 | 308,770 48 | 78,507 00 |
| SOUTH CAROLINA | Planters and Mechanics' Bank of S. C., Charleston | Aug. 11 | $20,000 00 | $26,205 65 | $1,056 75 | $118,584 25 | $68,763 00 |
| | Bank of Charleston, Charleston | 15 | 30,000 00 | 75,608 23 | 1,674 75 | 472,492 46 | 57,483 00 |
| GEORGIA | Bank of Augusta | 8 | 38,000 00 | 22,330 37 | 4,583 57 | 168,745 81 | 214,125 50 |
| | Planters' Bank of the State, Savannah | 8 | 11,000 00 | 58,268 44 | 2,692 07 | 182,831 61 | 136,820 00 |
| ALABAMA | Branch of the Bank of the State, Mobile | 7 | 80,089 25 | 2,790,626 94 | 41,013 26 | 407,599 25 | 62,777 96 |
| MISSISSIPPI | Planters' Bank of the State, Natchez | 3 | 195,038 14 | 12,948 85 | 9,205 61 | 23,613 17 | 200,856 35 |
| | Agricultural Bank of the State, Natchez | July 31 | 37,493 00 | 16,659 01 | 2,273 85 | 71,101 63 | 65,424 56 |
| LOUISIANA | Commercial Bank of New Orleans | 29 | 150,689 16 | 700,121 15 | 7,591 93 | 379,310 72 | 136,553 34 |
| | Union Bank of Louisiana | 31 | 148,845 08 | 2,108,878 52 | 26,669 04 | 781,454 92 | 246,217 00 |
| TENNESSEE | Union Bank of the State and branches | Aug. 5 | 42,839 88 | – | 2,340 22 | 422,338 06 | 171,550 25 |
| | Planters' Bank of the State and branches | 16 | 26,223 20 | – | 4,812 48 | 639,619 64 | 184,065 00 |
| KENTUCKY | Bank of Kentucky, Louisville | 15 | 28,341 77 | 2,203,739 22 | 1,876 16 | 852,396 65 | 232,443 32 |
| | Savings Institution, Louisville | 16 | 10,000 00 | – | 342 83 | 44,879 32 | 47,560 00 |
| | Northern Bank of Kentucky, Lexington | 7 | 50,000 00 | 369,470 41 | 1,948 68 | 266,165 03 | 139,780 00 |
| | Branch of ditto, Louisville | 14 | 16,500 55 | 3,920 98 | 1,266 44 | 166,297 57 | 59,580 00 |
| | Branch of ditto, Paris | 17 | 2,395 02 | 95 59 | 307 62 | 23,668 59 | 18,680 00 |
| | Branch of ditto, Richmond | 7 | – | – | 328 33 | 1,244 75 | 8,090 00 |
| | Branch of ditto, Covington | 7 | 5,000 00 | 1,542 84 | 459 61 | 12,290 56 | 5,818 00 |
| OHIO | Franklin Bank of Columbus | 9 | 11,786 91 | 360 37 | 1,488 07 | 121,772 23 | 32,845 23 |
| | Clinton Bank of Columbus | 19 | 8,189 25 | – | 527 99 | 11,726 20 | 47,075 43 |
| | Franklin Bank of Cincinnati | 19 | 37,000 00 | 75,800 00 | 732 53 | 40,465 19 | 47,046 00 |
| | Commercial Bank of Cincinnati | 16 | 34,426 80 | 406,954 87 | 483 92 | 913,058 93 | 97,913 00 |
| | Agency of ditto, at St. Louis | July 31 | – | 2,335 99 | 8,490 37 | 284,930 85 | 10,500 00 |
| | Commercial Bank of Lake Erie, Cleveland | Aug. 15 | 3,928 42 | – | 2,218 66 | 165,355 22 | 41,653 00 |
| | Bank of Chillicothe | 14 | 13,874 76 | – | 276 95 | 215,777 53 | 71,396 61 |
| | Bank of Cleveland | 16 | 984 84 | – | 61 50 | 57,693 11 | 23,246 00 |
| | Bank of Wooster | 15 | – | 53 21 | 71 49 | 13,749 14 | 26,091 00 |

STATEMENT U.—Continued.

| STATES. | Names and location of banks. | Date of return. | Specie on hand. | Circulation. | DEPOSITES. | | |
|---|---|---|---|---|---|---|---|
| | | | | | Treasurer of the United States. | Public officers. | All other depositors. |
| NEW JERSEY | Trenton Banking Company, Trenton | Aug. 15 | 37,910 00 | 124,355 00 | 29,756 00 | 41,761 00 | 49,050 00 |
| | State Bank, at Newark | 17 | 44,854 79 | 38,595 00 | 55,750 42 | 7,745 94 | 50,822 78 |
| | State Bank, at Elizabethtown | July 31 | 18,651 40 | 36,566 00 | 25,000 00 | – | 42,970 28 |
| PENNSYLVANIA | Girard Bank, at Philadelphia | 29 | 230,714 36 | 774,474 69 | 319,183 75 | 659,841 89 | 441,038 87 |
| | Moyamensing Bank, at Philadelphia | Aug. 9 | 59,622 91 | 92,930 00 | 5,521 57 | 80,712 56 | 105,121 24 |
| | Merchants and Manufacturers' Bank, Pittsburg | 9 | 177,564 90 | 477,400 00 | – | 145,708 25 | 433,743 92 |
| DELAWARE | Bank of Delaware, Wilmington | July 1 | 26,111 88 | 141,736 50 | 34,815 50 | – | 92,492 98 |
| MARYLAND | Franklin Bank of Baltimore | Aug. 14 | 63,428 20 | 250,947 00 | 97,092 03 | 29,597 65 | 320,617 20 |
| | Union Bank of Maryland, Baltimore | 21 | 75,708 75 | 237,640 00 | 219,283 06 | 79,261 23 | 1,241,035 70 |
| DIST. OF COLUMBIA | Bank of the Metropolis, Washington | 15 | 44,418 49 | 364,920 26 | 2,132 96 | 481,599 28 | 152,062 64 |
| VIRGINIA | Bank of Virginia and branches | 15 | 426,429 76 | 2,812,088 31 | 395,066 64 | 162,246 82 | 1,393,541 06 |
| | Farmers' Bank of Virginia, Richmond | 17 | 155,198 45 | 516,711 00 | 148,467 35 | – | 433,628 85 |
| | Branch of ditto, at Winchester | July 15 | 15,157 16 | 225,270 00 | 7,386 88 | 6,918 00 | 13,181 04 |
| NORTH CAROLINA | Bank of the State, at Raleigh | 22 | 509,477 63 | 1,291,550 00 | 168,548 12 | 25,316 82 | 585,210 53 |
| SOUTH CAROLINA | Planters and Mechanics' B'k of S. C., Charleston | Aug. 11 | $244,637 21 | $731,325 00 | $50,404 74 | $138,576 59 | $308,693 61 |
| | Bank of Charleston, Charleston | 15 | 241,045 73 | 1,112,485 00 | 60,943 23 | 2,931 50 | 722,544 79 |
| GEORGIA | Bank of Augusta | 8 | 201,281 08 | 604,138 96 | 37,169 52 | 20,696 83 | 138,199 02 |
| | Planters' Bank of the State, Savannah | 8 | 293,550 59 | 260,142 00 | 66,565 17 | 134,224 90 | 202,726 59 |
| ALABAMA | Branch of the Bank of the State, Mobile | 7 | 138,610 55 | 1,855,230 00 | 950,956 26 | 174,944 45 | 1,560,826 67 |
| MISSISSIPPI | Planters' Bank of the State, Natchez | 3 | 303,228 46 | 1,521,761 88 | 895,308 67 | 28,235 71 | 535,564 56 |
| | Agricultural Bank of the State, Natchez | July 31 | 68,499 96 | 1,009,816 00 | 853,075 04 | – | 375,428 95 |
| LOUISIANA | Commercial Bank, of New Orleans | 29 | 118,305 06 | 402,339 81 | 863,956 98 | 242,176 81 | 462,974 39 |
| | Union Bank of Louisiana | 31 | 80,577 40 | 1,305,470 00 | 593,841 05 | 223,590 29 | 1,067,707 02 |
| TENNESSEE | Union Bank of the State and branches | Aug. 5 | 199,104 39 | 1,307,481 48 | 242,997 61 | 86,937 15 | 997,417 00 |
| | Planters' Bank of the State and branches | 16 | 224,125 31 | 1,323,685 33 | 126,320 87 | 389,952 45 | 1,202,022 06 |
| KENTUCKY | Bank of Kentucky, Louisville | 15 | 298,578 67 | 694,735 00 | 601,112 17 | – | 270,400 32 |
| | Savings Institution, Louisville | 15 | 56,488 36 | none. | 85,463 34 | 10,132 60 | 129,324 06 |
| | Northern Bank of Kentucky, Lexington | 7 | 292,500 73 | 616,500 00 | 51,439 82 | 39,893 52 | 273,674 22 |
| | Branch of ditto, Louisville | 14 | 303,944 12 | 220,840 00 | 105,231 45 | – | 33,138 72 |
| | Branch of ditto, Paris | 17 | 122,707 91 | 153,470 00 | – | – | 28,163 67 |
| | Branch of ditto, Richmond | 7 | 96,167 76 | 100,795 00 | – | – | 9,104 37 |
| | Branch of ditto, Covington | 7 | 94,622 79 | 135,730 00 | – | – | 19,416 86 |
| OHIO | Franklin Bank of Columbus | 9 | 255,379 16 | 291,029 81 | 52,631 83 | 58,985 27 | 112,709 39 |
| | Clinton Bank of Columbus | 19 | 100,181 44 | 119,895 00 | 419 73 | – | 75,933 63 |
| | Franklin Bank of Cincinnati | 19 | 180,494 11 | 276,751 00 | 403,103 18 | 20,610 21 | 169,481 48 |
| | Commercial Bank of Cincinnati | 16 | 564,553 04 | 969,378 00 | 347,961 54 | 60,480 60 | 261,412 99 |
| | Agency of ditto, at St. Louis | July 31 | 7,151 24 | none. | 589,510 31 | 20,136 61 | |
| | Commercial Bank of Lake Erie, Cleveland | Aug. 15 | 100,790 57 | 328,017 00 | 60,682 75 | – | 149,276 73 |
| | Bank of Chillicothe | 14 | 148,894 42 | 293,200 08 | 198,902 00 | – | 54,672 77 |
| | Bank of Cleveland | 16 | 60,568 98 | 244,719 00 | 21,103 42 | 23,257 45 | 76,153 19 |
| | Bank of Wooster | 15 | 53,874 02 | 170,442 00 | 44,471 05 | – | 70,746 00 |

STATEMENT U.—Continued.

| STATES. | Names and location of banks. | Date of return. | Balances due to banks. | Other liabilities. | Capital stock. | Contingent. fund. | Profit and loss, discount, and interest. |
|---|---|---|---|---|---|---|---|
| NEW JERSEY | Trenton Banking Company, Trenton | Aug. 15 | 30,715 00 | – | 210,000 00 | – | 99,164 00 |
| | State Bank, at Newark | 17 | 23,236 58 | – | 400,000 00 | – | 20,319 75 |
| | State Bank, at Elizabethtown | July 31 | 20,200 88 | – | 200,000 00 | – | 36,924 43 |
| PENNSYLVANIA | Girard Bank, at Philadelphia | 29 | 1,617,174 21 | 859,022 62 | 5,000,000 00 | 189,504 96 | 207,785 65 |
| | Moyamensing Bank, Philadelphia | Aug. 9 | 71,343 41 | 627 72 | 250,000 00 | – | 16,012 51 |
| | Merchants and Manufacturers' Bank, Pittsburg | Aug. 9 | 304,227 10 | 502,263 13 | 600,000 00 | – | 107,869 02 |
| DELAWARE | Bank of Delaware, Wilmington | July 1 | 7,869 63 | 588 90 | 110,000 00 | – | 91,247 97 |
| MARYLAND | Franklin Bank of Baltimore | Aug. 14 | 331,168 46 | – | 624,550 00 | 17,472 95 | 19,173 33 |
| | Union Bank of Maryland, Baltimore | 21 | 601,273 93 | 1,845 00 | 1,845,562 50 | 50,000 00 | 248,826 65 |
| DIS. OF COLUMBIA | Bank of the Metropolis, Washington | 15 | 187,269 00 | – | 500,000 00 | – | 82,046 81 |
| VIRGINIA | Bank of Virginia and branches | 15 | 393,308 77 | 1,042,220 17 | 3,240,000 00 | 590,387 40 | 65,686 47 |
| | Farmers' Bank of Virginia | 17 | 127,861 60 | 756,358 17 | 475,000 00 | 369,771 79 | 15,596 27 |
| | Branch of ditto, at Winchester | July 15 | 14,656 80 | – | 237,500 00 | – | 975 95 |
| NORTH CAROLINA | Bank of the State, at Raleigh | 22 | 158,362 99 | – | 1,500,000 00 | – | 209,274 06 |
| SOUTH CAROLINA | Plant. and Mechanics' B'k of S. C., Charleston | Aug. 11 | $341,822 41 | – | $1,000,000 00 | 203,509 49 | 19,111 31 |
| | Band of Charleston, Charleston | 15 | 407,463 55 | $92,689 83 | 2,000,000 00 | 127,899 36 | 44,827 26 |
| GEORGIA | Bank of Augusta | 8 | 157,552 95 | 20,906 66 | 1,200,000 00 | – | 46,147 44 |
| | Planters' Bank of the State, Savannah | 8 | 357,005 25 | – | 535,400 00 | 115,794 09 | 20,931 06 |
| ALABAMA | Branch of the Bank of the State, Mobile | 7 | 587,146 66 | 33,494 43 | 2,300,000 00 | 577,944 00 | 379,889 81 |
| MISSISSIPPI | Planters' Bank of the State, Natchez | 3 | 619,406 05 | 898,110 92 | 4,205,140 00 | – | 1,091,930 73 |
| | Agricultural Bank of the State, Natchez | July 31 | 830,749 03 | 380,134 01 | 2,000,000 00 | – | 430,144 48 |
| LOUISIANA | Commercial Bank of New Orleans | 29 | 659,225 40 | 7,624 00 | 3,000,000 00 | – | 409,796 48 |
| | Union Bank of Louisiana | 31 | 913,858 67 | 7,930 98 | 7,000,000 00 | 820,000 00 | 1,077,067 49 |
| TENNESSEE | Union Bank of the State, and branches | Aug. 5 | 365 71 | 18,634 36 | 2,547,739 00 | 124,894 03 | 264,225 28 |
| | Planters' Bank of the State, and branches | 16 | 107,076 58 | 59,574 41 | 2,000,000 00 | 393,127 49 | 77,441 62 |
| KENTUCKY | Bank of Kentucky, Louisville | 15 | 278,638 76 | 1,004,174 44 | 4,586,070 76 | 86,416 60 | 52,508 35 |
| | Savings Instititution, Louisville | 16 | 12,673 71 | – | 104,188 00 | 15,628 00 | 4,928 25 |
| | Northern Bank of Kentucky, Lexington | 7 | 154,376 06 | 553,142 69 | 1,035,585 00 | 51,000 00 | 39,452 06 |
| | Branch of ditto, Louisville | 14 | 572,595 18 | – | 675,000 00 | – | 4,628 90 |
| | Branch of ditto, Paris | 17 | 625 10 | 60,254 31 | 400,000 00 | – | 3,037 57 |
| | Branch of ditto, Richmond | 7 | 56 50 | 16,986 96 | 180,000 00 | – | 1,179 96 |
| | Branch of ditto, Covington | 7 | 3,932 17 | 73,365 72 | 275,000 00 | – | 1,606 99 |
| OHIO | Franklin Bank of Columbus | 9 | 24,905 29 | – | 481,560 00 | – | 36,227 06 |
| | Clinton Bank of Columbus | 19 | 9,598 45 | – | 300,000 00 | 27,825 28 | 4,695 25 |
| | Franklin Bank of Cincinnati | 19 | 76,027 49 | 9,138 10 | 1,000,000 00 | 125,225 93 | 16,868 74 |
| | Commercial Bank of Cincinnati | 16 | 752,168 96 | 286,044 78 | 1,000,000 00 | 10,000 00 | 253,785 41 |
| | Agency of ditto, at St. Louis | July 31 | 96,052 20 | – | None. | – | 14,108 05 |
| | Commercial Bank of Lake Erie, Cleveland | Aug. 15 | 9,144 12 | – | 500,000 00 | – | 58,317 36 |
| | Bank of Chillicothe | 14 | 6,482 30 | – | 500,000 00 | 8,537 69 | 27,463 99 |
| | Bank of Cleveland | 16 | 9,267 16 | – | 227,545 00 | 1,913 68 | 32,266 11 |
| | Bank of Wooster | 15 | 2,226 95 | – | 195,864 00 | 7,341 00 | 3,763 97 |

STATEMENT U.—Continued.

| STATES. | Names and location of banks. | Date of return. | Loans and discounts. | Bills of exchange. | Suspended debt. | Stocks. |
|---|---|---|---|---|---|---|
| INDIANA | State Bank of Indiana | July 22 | 2,844,369 57 | 794,637 06 | 125,608 50 | |
| ILLINOIS | Bank of the State, at Shawneetown | Aug. 5 | 243,318 31 | 15,444 76 | | |
| MICHIGAN | Bank of the State, at Detroit | 18 | 942,273 12 | 435,565 96 | 16,946 20 | |
| | Farmers and Mechanics' Bank of Michigan | 15 | 535,722 66 | 223,715 65 | | |
| NEW YORK | Dry Dock Company, New York | May 1 | 1,255,880 61 | – | 10,588 90 | |
| DELAWARE | Bank of Wilmington and Brandywine, Wilmington | June 15 | 186,802 17 | – | – | 47,359 85 |
| GEORGIA | Insurance Bank of Columbus | Aug. 17 | 249,172 40 | 15,500 00 | 117,200 41 | |
| | | Dollars | 112,902,662 67 | 17,694,530 28 | 12,383,046 65 | 5,324,858 15 |
| MISSOURI | *Bank of the State of Missouri | July 7 | 535,874 14 | 14,632 62 | | |

*New selection.

STATEMENT U.—Continued.

| STATES. | Name and location of banks. | Date of return. | Real estate. | Other investments. | Expenses. | Balances due from banks. | Notes of other banks on hand. |
|---|---|---|---|---|---|---|---|
| INDIANA | State Bank of Indiana | July 22 | 72,821 87 | 395,361 29 | 5,479 55 | 1,158,388 24 | 329,095 86 |
| ILLINOIS | Bank of the State, at Shawneetown | Aug. 5 | 975 00 | – | 29 25 | 41,727 93 | 45,450 00 |
| MICHIGAN | Bank of the State, at Detroit | 18 | 20,841 28 | – | – | 292,937 85 | 9,845 00 |
| | Farmers and Mechanics' Bank of Michigan | 15 | 14,263 20 | 3,896 90 | 635 43 | 345,636 29 | 7,356 35 |
| NEW YORK | Dry Dock Company, New York | May 1 | 246,026 09 | 2,399 16 | 6,261 83 | 127,631 63 | 81,661 01 |
| DELAWARE | Bank of Wilmington and Brandywine, Wilm'n | June 15 | 11,620 00 | – | 1,048 67 | 7,743 54 | 3,849 60 |
| GEORGIA | Insurance Bank of Columbus | Aug. 17 | 13,500 00 | 2,907 93 | 3,582 63 | 344,070 34 | 159,909 00 |
| | | Dollars | 3,214,726 48 | 14,436,405 78 | 290,628 38 | 24,683,001 37 | 9,545,429 33 |
| MISSOURI | * Bank of the State of Missouri | July 7 | 1,300 00 | 18,224 65 | 2,507 82 | 4,182 38 | 408,510 00 |

*New selection.

STATEMENT U.—Continued.

| STATES. | Names and location of banks. | Date of return. | Specie on hand. | Circulation. | DEPOSITES. | | |
|---|---|---|---|---|---|---|---|
| | | | | | Treasurer of the United States. | Public officers. | All other depositors. |
| INDIANA - - | State Bank of Indiana - - - - | July 22 | 999,894 34 | 2,476,076 00 | 901,531 75 | 8,916 64 | 530,411 54 |
| ILLINOIS - - | Bank of the State, at Shawneetown - - | Aug. 5 | 158,610 34 | 64,846 00 | 39,795 90 | – | 121,238 80 |
| MICHIGAN - - | Bank of the State, at Detroit - - - | 18 | 84,847 07 | 330,463 00 | 621,993 22 | 35,579 41 | 205,052 01 |
| | Farmers and Mechanics' Bank of Michigan - | 15 | 82,672 42 | 169,911 90 | 376,057 62 | 64,361 49 | 137,598 39 |
| NEW YORK - - | Dry Dock Company - - - - - | May 1 | 29,586 08 | 268,699 80 | 80,000 00 | – | 409,221 75 |
| DELAWARE - - | Bank of Wilmington and Brandywine, Wilm'n - | June 15 | 29,999 71 | 62,273 50 | 36,000 00 | 826 11 | 43,303 49 |
| GEORGIA - - | Insurance Bank of Columbus - - - | Aug. 17 | 166,185 71 | 70,513 00 | 5,035 00 | – | 53,233 59 |
| | | Dollars | 10,580,413 95 | 32,626,004 55 | 12,944,666 70 | 4,574,076 98 | 29,492,113 25 |
| MISSOURI - - | *Bank of the State of Missouri - - | July 7 | 293,308 72 | – | – | 386 36 | 411,289 87 |

*New selection.

STATEMENT U.—Continued.

| STATES. | Names and location of banks. | Date of return. | Balances due to banks. | Other liabilities. | Capital stock. | Contingent fund. | Profit and loss, discount, and interest. |
|---|---|---|---|---|---|---|---|
| INDIANA - - | State Bank of Indiana - - - | July 22 | 640,270 99 | – | 1,845,000 00 | 250,666 54 | 72,782 82 |
| ILLINOIS - - | Bank of the State, at Shawneetown - - | Aug. 5 | 12,580 29 | – | 257,550 00 | – | 9,544 60 |
| MICHIGAN - - | Bank of the State, at Detroit - - - | 18 | 58,014 99 | 50,000 00 | 450,000 00 | 13,155 87 | 38,997 95 |
| | Farmers and Mechanics' Bank of Michigan - | 15 | 49,000 71 | – | 400,000 00 | 10,000 00 | 6,969 69 |
| NEW YORK - - | Dry Dock Company - - - - - | May 1 | 511,922 97 | – | 420,000 00 | – | 70,190 79 |
| DELAWARE - - | Bank of Wilmington and Brandywine, W'n - | June 15 | 10,219 91 | – | 120,000 00 | 9,355 72 | 6,444 81 |
| GEORGIA - - | Insurance Bank of Columbus - - - | Aug. 17 | 316,610 10 | 2,567 42 | 600,000 00 | – | 24,069 31 |
| | | Dollars | 25,083,891 46 | 11,066,348 27 | 81,628,104 26 | 5,117,734 33 | 8,522,763 24 |
| MISSOURI - - | * Bank of the State of Missouri - - | July 7 | 240,251 99 | 342,249 29 | 280,252 62 | – | 4,110 20 |

*New selection.

V.

TREASURY DEPARTMENT, *July* 3, 1837.

SIR: Replies having, in most cases, been received to my circular, addressed in May last to the cashiers of those deposite banks which had suspended specie payments, I now propose to submit a few remarks to your consideration, growing out of those replies, and out of events which have since transpired in connexion with your relations to the Treasury Department.

1. It affords me much gratification to find, so far as regards the inquiry concerning payment and security, a great willingness expressed to make the United States amply safe for the eventual payment of all that is due, and a strong conviction entertained by the banks that no loss will be ultimately sustained by the Government. But, whenever reasonable doubts on this subject have arisen with the Department, steps have been taken to procure additional security, or to withdraw the public funds more rapidly, if possible, than was otherwise intended. And a part of the object of this communication is to apprize you that such will be the course which a sense of duty must require me to continue to pursue in regard to any bank whose condition may appear doubtful, while the relation of debtor and creditor exists between it and the Treasury.

2. Another portion of that circular communicated information concerning the lenient mode which, under the severe losses experieneed by many of the banks from mercantile failures, and under the embarrassments to others, caused by panic and want of confidence, was contemplated to be adopted in recalling the public funds. That mode was by such moderate drafts and transfers as the public necessities should, from time to time, demand; and an earnest request having been made for a satisfactory compliance with it on the part of the banks, assurances have generally been given of a readiness to answer those calls with promptitude, and in an acceptable manner. But, though it is gratifying to add that, in most cases, these assurances have since been fulfilled, and something like three millions of dollars of public money have been paid over by the discontinued banks since the 12th of May last, and, in a few instances, all which was on hand; and though about nine millions more are expected to be paid early in July, yet, in some cases, proper efforts and sacrifices do not appear to have been made to discharge their important obligations to the Treasury. In such cases, and especially where the neglect produced serious inconvenience to our fiscal operations, or injury to the public credit, the Department has felt compelled, by its responsibility to the Government, to take preparatory measures suitable to obtain indemnity for the past, and enforce those obligations in future. It will feel obliged to adopt such measures hereafter in all similar instances; and, though its moderation and lenity have been, and will be, as great as is supposed to be justifiable, they must not be misconstrued into indifference or forgetfulness of what is due as well from the banks as to the public creditors and the United States.

The location of several of the banks, and the small amount of public money in their possession, will exempt them from many calls at present, and enable them easily to meet such as are made. But the situation of others will, under all just forbearance, render the calls upon them more frequent and imperative, and will require, as it is hoped they will receive, a correspondent exertion to answer them. Such exertion, it is believed, will in the end be far better for all concerned, though accompanied by some temporary sacrifices, than to suffer loss of character, by incurring the imputation of a continued violation of essential duties, and by exposing the Treasury to embarrassment, and the public creditors and officers to severe injury.

The Department cannot recognise the right of any former depository to be exempted from paying specie to the public creditor, if insisted on by him; it being due, in both honor and good faith, as well to him as to the Treasury. It is true that the difficulty of procuring it when wanted has been somewhat enhanced, and this, at the time when demands for it are increased, and the ability of some of the banks is weakened by the failures of some of their customers. But these are obstacles which are by no means insuperable, and which, when occurring, it is the duty, and it is hoped will be the desire, of every bank to make efforts to remove, at any reasonable expense and trouble.

3. The returns of the condition of the selected banks, which were requested to be continued, have generally been made with promptitude and regularity. But while it is very satisfactory to see, in most cases, a reduction in discounts and circulation, and which course is the most efficient to cure one of the existing evils in banking, and to enable the institutions which have suspended specie payments to resume them at an early day, and with much greater safety, it is regretted that, in a few instances, this course has not been adopted. But whenever departed from in such a crisis, the error has tended, and must tend hereafter, to impair the confidence of the Department in the sound management of the institution, and to justify such steps as may lead to a more speedy withdrawal of the public money, or to the procurement of increased security.

4. Such a departure, also, is likely to delay the resumption of specie payments, concerning which the views of the former deposite banks were requested in that circular, and have generally been since presented. Without claiming the right to interfere on this subject beyond the deep solicitude and interest felt by the Treasury Department concerning the condition and conduct of all its debtors, and beyond its duty vigilantly to examine into those points when indulgences are sought or granted, the inquiries before mentioned were made on these accounts alone. It has been a matter of regret to find, in most of the explanations on the subject of suspending as well as resuming specie payments, that the action of one bank has been made to depend so exclusively on that of others. The location, losses, liabilities, and means of the banks, were and still are very different among themselves, as well as in different quarters of the country. In illustration of this remark, it may be mentioned that several of them, as in the Eastern States in 1814, have actually continued to pay specie, and many others appear to have had ample ability to do it, if more courage, energy, and independence had fortunately been united with their great available means. Since the panic has in some degree subsided, and the opportunity has been enjoyed for lessening balances, discounts, and circulation, and when so much more can be done, in this respect, without causing distress, in consequence of the diminished business of the community, and the smaller demand for money, it is to be lamented that a more general effort has not been made to resume specie payments at the earliest day practicable and safe. It is true that a few banks very commendably have already resumed, and are in the successful discharge of their plain legal obligations, though on a reduced scale in business and profits; and that others are efficiently attempting to place themselves in a similar position. But, from the replies to my inquiries, the inclination seems to be too prevalent for the banks in one city, county, State, or large region of country, to postpone the measure till all others in the Union are ready and willing to unite. Their positions, in various respects, are essentially unlike, though in general very strong. The condition of the former deposite banks, as a whole, is believed to be stronger now, as to specie compared with circulation, or immediate means to meet immediate liabilities, so as readily to sustain specie payments under ordinary circumstances, than has been the condition of all the banks in the United States at any former period for the last quarter of a century. Their specie, on an average, is about one to three of their circulation, and

their immediate means nearly one to two and a half of their immediate liabilities. But, in some large sections of country, the specie is in a ratio quite 30 per cent. greater, while in others it is less. The want of confidence in some places, and the effects of losses in others, and which constitute the only other principal differences in the ability, at different periods, to sustain such payments, have not extended in the same degree to all places, and have already diminished much more in some of them than in others.

It is therefore earnestly hoped that, by prudent and persevering efforts, a resumption of specie payments can be effected at no very remote day, and successfully maintained by many of those institutions indebted to the Treasury. So far as this Department has power to encourage such efforts, it has done, and cheerfully will do it, while the existing laws remain unrepealed, by giving a decided preference for holding all kinds of public deposites to such banks as pay specie. But, beyond that, Congress and the States alone can lawfully extend other assistance.

You will more readily excuse my anxiety on this topic, when, besides the reasons before stated, you are assured of the strong convictions entertained by this Department that the resumption of specie payments, as soon as it can be accomplished by any reasonable exertions or sacrifices, would not only increase the facilities of our fiscal operations, and much promote the convenience of the public creditors, but tend to remove many reproaches from the banking institutions themselves, and to preserve a strong sense of moral obligation to discharge faithfully, so far as able, every duty imposed by law.

Respectfully, yours,
LEVI WOODBURY,
*Secretary of the Treasury.*

To the Cashier *of* ———.

## UNEXPENDED APPROPRIATIONS.

*Letter from the Secretary of the Treasury, transmitting the information required by a resolution of the House of the 11th instant, in relation to the amount of appropriations of the past and the present years remaining unexpended, &c. September 15, 1837. Read, and laid upon the table.*

Treasury Department,
*September* 14, 1837.

Sir: This report is submitted in compliance with the following resolution, passed on the 11th instant:

"*Resolved*, That the Secretary of the Treasury be directed, with as little delay as possible, to communicate to this House the amount of the appropriations of the past and present years remaining unexpended; the amount required to fulfil all existing engagements contracted prior to the first day of June last, and all existing engagements contracted since that time; also, the amount of money drawn from the Treasury and placed in the hands of disbursing officers or agents on the first day of May last and at the present time; and that he also report what objects of public expenditure can with the least injury to the public service be either wholly dispensed with during the present year, or bear any material reduction."

The tabular statement annexed shows, as desired, "the amount of the appropriations of the past and present years remaining unexpended" to be $24,075,239 37. (A.)

In reply to the inquiry as to "the amount of money drawn from the Treasury and placed in the hands of disbursing officers or agents on the first day of May last, and at the present time," I would state that, at the former period, it appears to have been $5,264,052 95, and at the latter $5,049,540 76. It may be useful to add, that both sums are much larger than they would otherwise be, in consequence of the unu ual amount of deposites by officers of the mint.

In relation to "what objects of public expenditure can, with least injury to the public service, be either wholly dispensed with during the present year, or bear any material reduction," I would observe that a minute and critical examination on this point was instituted in May last by this Department.

The result of it was, that enough could and would be postponed till next year, to amount to about $15,000,000.

Consequently, the expenditures during the present year were estimated in my recent report upon that basis. After every delay of them which the public interests may permit, it is therefore expected that, of the outstanding appropriations, now exceeding $24,000,000, not much over nine millions will necessarily be required to be expended during the residue of the year.

Since this resolution passed, further inquiries on this point were instituted, in connexion with the other Departments of the Government; but the result cannot be essentially varied from that to which the Department arrived last spring.

The particular heads of appropriations that it is supposed need not and will not be expended in full during the year, and the amounts under each, are very numerous and difficult to be prepared; but, if desired, will be submitted (hereafter) with as little delay as practicable.

The only remaining inquiry is "the amount required to fulfil all existing engagements contracted prior to the first day of June last, and all existing engagements contracted since that time."

Each Department has been requested to furnish a statement on this subject as early as it can be completed. But some delay being unavoidable, it has in the mean time been deemed advisable to submit immediately the answers to the other portions of the resolution. Those statements will be made as comprehensive as possible, but can of course relate to only a small part of the whole appropriations of Congress, which it has been and will be necessary to expend during the year. All salaries of judicial, executive, or other officers—the expenses of foreign intercourse—the pay and subsistence in both the army and navy—all pensions—all Indian annuities—all private bills which have passed—many miscellaneous appropriations, with several other items—stand independent of any special engagements or contracts made by any public officers, and cannot therefore enter into this computation.

Respectfully, yours,
LEVI WOODBURY,
*Secretary of the Treasury.*

Hon. J. K. Polk,
*Speaker of the House of Representatives.*

A.

*Statement of the amount of appropriations of the past and present years remaining unexpended on the 11th September, 1837, inclusive, agreeably to a resolution of the House of Representatives of the 11th inst., viz:*

| | | |
|---|---|---|
| Balances of appropriations on the 31st December, 1836, - - - | | $16,752,283 09 |
| Appropriations made at the second session of the 24th Congress, exclusive of the Post-office Department, - | $28,575,837 10 | |
| Specific and indefinite appropriations made by former acts of Congress, - - | 2,824,250 10 | |
| | | 31,400,087 50 |
| | | 48,152,370 59 |

| | |
|---|---|
| Expenditures of the United States from the 1st January to the 11th September, 1837, - - - - | 24,077,031 22 |
| Leaving balances of appropriations, 11th September, 1837 - - - | $24,075,239 37 |

TREASURY DEPARTMENT,
REGISTER'S OFFICE, *September* 12, 1837.
T. L. SMITH, *Register.*

## PAY MEMBERS OF CONGRESS IN SPECIE, &c.

*Letter from the Secretary of the Treasury, transmitting the information required by the resolution of the House of Representatives of the* 11*th instant, in relation to the offer to pay members of Congress in specie, &c. September* 15, 1837, *read, and laid upon the table.*

TREASURY DEPARTMENT, *September* 14, 1837.

SIR: This report is submitted in compliance with the following resolution, passed the 11th instant:

"*Resolved*, That the Secretary of the Treasury report to this House whether a letter, purporting to be addressed by him to the Clerk of the House, offering payment in specie to members of Congress, is authentic; if so, to what other claimants on the Treasury a similar offer has been made, and what principle of discrimination, if any, has been adopted in the medium of payment to the public creditors. Also,

"That he report, so far as now ascertained, the amount of specie received by the Government since the first day of May last; the sources from whence derived, and the amount from each; the regulations under which the same or any part thereof has been disbursed; the persons to whom paid, and the sums paid to each; the amount now on hand, and where deposited: also, whether, since the date above, the public dues or any portion thereof have been received in protested drafts, or any funds other than those prescribed by the joint resolution of the 30th of April, 1816."

The first inquiry is, "whether a letter purporting to be addressed by him to the Clerk of the House, offering payment in specie to members of Congress, is authentic." The undersigned did address a letter to the Clerk of the House of Representatives, a copy of which is annexed, (A 1,) and, on the same day, another letter of like import to the Secretary of the Senate. Neither of these was published by this Department, but being on the subject referred to, though no date is given in the resolution, it is presumed the first one is that the authenticity of which the undersigned is requested officially to verify. The next inquiry is, "to what other claimants on the Treasury a similar offer has been made, and what principle of discrimination, if any, has been adopted in the medium of payment to the public creditors." In reply to this he would state, generally, that a similar offer to fulfil the law, by paying demands on the Treasury in specie, when preferred to bank paper, has been made to many claimants; and, though not able to extend it to all immediately, yet, specie being by law promised to all who require it, the Department has frequently given assurances that it should be paid to all as soon as a sufficiency could be obtained. The offer of it has, therefore, been enlarged from time to time, corresponding with the increase of our resources in specie, so as to embrace as great a number of public creditors as the immediate and available amount of such resources in the Treasury would justify. But when, by the stoppage of specie payments on the part of the banks in May last, and by the indulgences granted to the merchants in postponing the payment of their bonds for duties, sufficient specie could not be obtained to pay all the public claims till Congress should furnish aid by some new legal provision, it became indispensable to perform the disagreeable task of making some discrimination in paying out what specie the Treasury had; otherwise the Department would have been compelled to resort to a course still more objectionable—a general and absolute refusal to pay the specie on hand, or which might be collected, to any public creditor whatever. As the acts of Congress seemed imperatively to require that specie or its equivalent should be alone paid whenever desired, if it could be procured, such a refusal would have involved the Department in the guilt or folly of paying nothing in conformity to law, because it was not able in that manner to pay every thing. It would have violated the plain and imperative directions of Congress in all cases, and where no necessity existed to do it, and no inability to obey them could be pretended, because that necessity and inability happened to exist in some cases, and only to a limited extent; consequently, an obligation to pay the specie, so far as the Department was able, seemed no less reasonable than legal. But as no act of the Legislature pointed out the kind of discrimination to be adopted in such an emergency, it became indispensable for the Department to exercise a sound discretion on the whole subject, regulating it by the circumstances of the various cases and the straitened extent of its means. This was done by making the offer of full or part payment when it appeared to be required by the peculiar character of some of the claims, the usages of the Department, or the necessities of certain branches of the public service. The local position of much of the specie in the Treasury, in respect to the residence of many of the creditors, furnished in some cases another guide. But, in adopting an unavoidable discrimination, the endeavor has been to make it as little invidious as possible, and, in no cases, is it believed, whatever importunities may have been used, have any such payments been made out of the Treasury to officers of the Government in preference to other public creditors, similarly situated, except it be in a few instances, to defray the mere travelling expenses of army officers. The particular classes of claimants who have received such offers and such payments, when desired, and the particular principles of discrimination in each of them, will be exhibited more fully in the following statements.

But, in order to understand the grounds of that discrimination, it will be necessary that the House should first be apprized of the general situation and amount of the specie which the Department has fortunately been able to command, and which is required to be reported by the last branch of the resolution.

On the suspension of specie payments by the banks in May last, the Treasurer had in the mint a deposite for the purpose of procuring metal for coining, equal to about a million of dollars. [See C.] But most of it then was, and still is, in use for that purpose, and for other operations of the establishment, so as to leave only a part of the whole, amounting perhaps to one-fourth, subject to be drawn out and employed for other objects, without obstructing or defeating the original design of Congress and the Executive in having it placed there.

The amount of duties paid in specie since May has not, in consequence of indulgences granted to the mercantile interest, been sufficient to defray even the expenses of collecting it, and of demands by the merchants on their debentures, but it is supposed to equal about five hundred thousand dollars, and that portion of it which has been subject to draft, being about one-fifth, is stated with all the particularity and accuracy now attainable, in the table annexed. [C.] The former deposite banks which continued to pay specie on the eastern side of the Allegany mountains, held public money equalling in all about $300,000. In and near the Atlantic, there has been paid into the Treasury for patents, for some of the interest on stocks owned by the Indians, for repayments, and some miscellaneous items, with what the dis-

continued deposite banks were induced from time to time to transfer to the Treasurer, about the sum of $200,000. [See C.] Of this, the interest on Indian stocks, not yet carried into the Treasurer's books, is near $40,000. The advances or payments made by the banks on drafts to individuals, have been considerable; but, as hereafter explained, the amount is entirely conjectural, and cannot be ascertained without much delay. The transfers to the Treasurer constituted about $130,000 of the above aggregate. [See C.]

On the other side of the Alleghanies, the collections amounted to near half a million, which were in hand in specie in the land offices when the suspension of specie payments by the banks there took place. Notice was previously despatched to them by this Department not to deposite more in banks, until receiving further orders, if a suspension took place. Other collections, to a considerable amount, continued to be made during the residue of May, and since, probably equalling one million one hundred thousand dollars more. [C.] The fiscal means of paying in specie in that region, and especially the West, were of course much more ample than elsewhere. The banks in that quarter have also frequently paid out small sums in specie since May, on Treasury drafts, the amount of which cannot be now ascertained, besides in several instances, as before detailed, making transfers of it to the Treasurer, to aid the public operations on the seaboard. Under these circumstances, and in all the United States, the Department has probably, since the middle of May, paid out quite as much specie for meeting ordinary expenditures as has been demanded for that purpose during many periods of similar length before the banks suspended specie payment. By condensing these views, and using more particularity, it appears, and is stated in reply to several inquiries in the last branch of the resolution, that, since the suspension of specie payments, which is the date nearest to the first of May from which we have special returns of specie, the whole amount of it on hand applicable to general purposes has been over $3,000,000. The amount for all purposes has exceeded $4,000,000, including that in the mint and the custom-houses. The sources from which derived, and the amount from each, with "the persons to whom paid, and the sums paid to each," are also detailed, so far as now ascertained on the Treasurer's books, and in conformity to the resolution, in A 2, B, and C. So far as otherwise known, the residue of the receipts not appearing on his books, is given in the above statements, and the residue of the payments is given in the following details. A part of the latter are included in the payments made by the collectors of the customs since the suspension by the banks, and not on drafts of the Treasurer; and which payments altogether amounted, as ascertained and estimated, to about $1,500,000. Of this sum about $950,000 have been paid for debentures, and $550,000 for other purposes, chiefly connected with the customs.

The portion of this amount which has been paid in specie, cannot, however, be ascertained from the returns received at the Department with much accuracy, but it is estimated at half a million. It is only the balance after these payments, and after what is necessary to be kept on hand for similar ones, which is reported to the Treasurer as subject to draft for general purposes.

Similar remarks are applicable to the payments, not on drafts of the Treasurer, but which by law are required to be first made at the land offices, of the current expenses of collection, and which probably have equalled, since the middle of May, $70,000.

From all the data in possession of the Department, it is computed that the "amount now on hand," subject to the draft of the Treasurer, is about $2,100,000; and all of it, except half a million of what is in the mint, may be considered as available for public purposes.

The places "where" it is "deposited" appear in the same documents, and in statement D, with table R annexed to the report on finances, at the commencement of the present session. The classes of persons to whom it was paid, and "the regulations under which the same" or any part thereof has been disbursed," will now be stated, in connexion with the grounds or "principle of discrimination" which has been adopted, and which, by the resolution, is also requested to be stated.

1. The Department at first offered to pay, and did cause to be paid, when desired, in specie, the debentures of the merchants. It afterwards defrayed, in the same way, some of the expenses pertaining to the custom-houses. It did this, because, as before stated, those claims could by law only be defrayed from the accruing revenue, before it was carried into the Treasury, and not by drafts from the Treasury itself; and that revenue was continued to be required in specie or its equivalent. It has persevered in discharging those claims in that manner till not only all the specie then on hand and since collected for duties was in several places exhausted, but it has caused considerable portions of money, before collected for duties, to be refunded to the collectors, and in specie, if necessary, in order, as far as possible, with promptitude and in a satisfactory manner, to discharge the publice engagements as to debentures and other current expenses connected with the collection of duties.

2. The salaries of all the land officers, and the expenses of collecting the proceeds of the sales, have next been paid in specie, on the same principle; as they could legally be discharged, not in drafts and out of the Treasury, but only from the accruing receipts, and the Department continued to require that those receipts should be in specie.

3. The moneys refunded from the sales of land which proved to be defective in title, or erroneous, were also paid back to the purchasers in specie, not only because so received, but because it had been customary before to give drafts for the amounts on land offices rather than on banks.

4. The fees received for patents and refunded since May have also, when desired, been paid back in specie, on a similar ground of discrimination.

5. The next distinct and very large class of claimants who have been so paid, is the Indians and those connected with their affairs. A portion of their annuities and supplies, as well as a part of the expense of their removal, had in former years been paid in specie, and it was deemed just as well as prudent to continue this practice. Nor was it inconvenient—the amount of specie in the land offices being so large, and many of them so well situated for facilitating the object.

6. A considerable part of the payment for certain State stocks bought by the War Department, for investment of Indian funds, has, on a similar principle, and to fulfil scrupulously the spirit of the trust confided to the Government, been thus paid. It seemed proper also, under the further consideration of being required by the nature of the contract for purchasing them.

7. This Department has also offered to pay, and has paid out, when requested, specie for all claims on the Chickasaw funds under its peculiar charge, and has done it on the ground that only specie has been received in their behalf for interest on the State stocks purchased for them, and for the sales of their lands.

8. Another class of payments has been made with a view to secure, as far as practicable, the efficient operations of the State, War, and Navy Departments, under the great embarrassments incident to the suspension of specie payments by the banks. Hence, bills of exchange have been purchased here with specie, and the bills seasonably remitted to our agents abroad, where, of course, bank notes could not be used, for the purpose of meeting

the expenses of the State Department. On the same principles, the pursers of the navy, in vessels about to sail to foreign stations, have, as was before usual and indispensable, without great delay and embarrassment to the public service, been supplied with sufficient specie to defray necessary expenses when touching at intermediate ports. The bills of exchange drawn by them abroad for cash and provisions furnished there, have also, on the same principle, when requested, been promptly paid here in specie. On a like principle, as well as to prevent serious losses, and discredit to the Government, the bills drawn by pursers on the navy agents abroad, the advances made by those agents there, and the contracts to furnish them money here, have all, when demanded, been met in this country with specie. It will be the endeavor of the Department that they shall be so met in future, while suitable funds remain at its disposal.

9. In the domestic operations of the War and Navy Departments, as well as in carrying on the public works not connected with them, specie has likewise been occasionally furnished to pursers, paymasters, and other agents, to enable them to make change and pay small sums in their weekly settlements. These have embraced those persons in public employment, whether seamen, soldiers, laborers or others, at the yards, forts, and other places in which national works were in progress. In several cases, the former deposite banks have also voluntarily provided a sufficiency for these purposes. By this discrimination much inconvenience and dissatisfaction under the pecuniary embarrassment of the times have been obviated. Considerable sums have also been drawn for on specie-paying banks, to aid in carrying on the necessary preparations for the defence of Florida.

10. This Department has likewise offered to pay reasonable amounts in specie, when requested, towards the large sums due pensioners, in order, as far as practicable, to accommodate so meritorious a class of claimants. In several instances, it has given drafts for that purpose, and has proposed to give more. Some specie has been furnished by the former fiscal bank agents for the same object.

11. It has also, when desired, furnished specie to the War Department to defray travelling expenses of officers, the great inconveniences and losses in using paper for that object being, in the present posture of affairs, very obvious and peculiarly troublesome. It has proposed to do this in all such cases hereafter, when desired, and in its power.

12. On like principles this Department subsequently made the offer as to the payment in specie of the expenses of members of Congress at the present session, if preferred by any of them to bank notes, or to drafts. The session being special, and supposed likely to be very short, the expenses would chiefly consist of what was due for travel, and it was deemed suitable to offer, while able, a convenient currency for that object, to such as might desire it. Other means of payment were at the time proposed for any who might not deem it proper, under the existing circumstances of the case and of the Treasury, to demand or accept gold and silver, either in full or in part.

13. As the specie at command increased by further returns from the land offices in June and July, and by considerable transfers to the Treasurer at the seat of Government by some of the former deposite banks, (there being no general agent on or near the seaboard except himself competent by law to receive them,) the Department has gradually had greater amounts of specie in this city as well as in the Western land offices, and has been enabled, from time to time, to extend fully or in part, as already enumerated, and even further, its offers of payments in specie to numerous claimants.

14. Where judges and other officers of courts resided near land offices in which there was an ample supply of coin, or near collectors, and a request was made for drafts on them rather than on banks, they have often been given, and paid in specie. Large portions of money for expenditures for labor on the national road in two of the Western States have been furnished by drafts for specie on the land offices. In numerous other cases, public creditors, living near such offices, have indiscriminately, when desired, been paid in specie by drafts on them. In several instances, where the money had accumulated in particular offices, and claimants, though living at a distance, chose to take drafts on them, instead of banks, they have been offered such drafts, and been paid in specie. But, usually, when claimants resided at a distance, the Treasury drafts on banks have been so near the value of specie that they have been accepted rather than others on land offices more remote. In some cases, drafts on banks in large commercial cities have been preferred even to drafts on land offices situated near the claimants. It will be seen that the discrimination in these last cases has generally arisen from local convenience to the parties and the local origin of the claim, or the abundance of specie beyond the local wants of a few particular points, rather than from any distinction growing out of the nature of the claim itself.

15. The next claimants who have been offered payments in specie, and have received it, are the holders of the debt existing against the cities in the District of Columbia.

That debt was assumed by the United States in trust, and on a conditional assignment of certain stock, and the interest was ordered to be paid by an act of Congress. As the interest due to the United States on the stocks which were held against others has been required to be paid, and has, in most cases since May last, been actually paid in specie, it was deemed just to make the rule reciprocal, and pay this interest in specie so far and so long as able to do it.

It was supposed, also, that the public faith would suffer more by a neglect or inability to fulfil scrupulously a trust like this, than to meet the whole of any ordinary appropriation immediately in specie, if demanded, during a period of such embarrassment.

16. The only remaining class of claimants to whom specie is now remembered to have been offered to be paid immediately, is the holders of the scrip for the fifth instalment of the French indemnity. A considerable portion of that had not been adjusted when the banks suspended specie payments; but it having been brought home in specie, and part of it being in the mint, it was requested to be paid in specie, and was so adjusted by the agent with those demanding it.

These various classes do not include two or three transfer orders to States, which were drawn on banks situated near and paying specie. This was done in compliance with notices given before May last, and the Department has not been informed whether in these cases specie was either demanded or paid. In some cases, however, of such tranfers, drawn on other banks, specie has been demanded by the holders of them, and, though occasionally refused, has sometimes been paid, rather than submit to a protest and complaint to this Department. The other banks are also known to have paid specie in many cases, either in full or in part, on common drafts; but as the amounts so paid are not regularly returned here, the aggregate of them is entirely conjectural.

The drafts given here are also often in favor of agents, pursers, paymasters, &c., in large amounts; and though their names and the gross sums paid to them have been ascertained and stated, yet, to ascertain the names of all the workmen, seamen, soldiers, and officers, as well as pensioners, Indian traders, and their assignees, who have been the real creditors, and in the end received the specie, and the amounts paid to each, would require the opening of a correspondence with almost every public station and public agency in the United States. So, the merchants to whom debenture certificates have been paid in specie, as well as the other persons, and amounts to whom it has

been paid out of the accruing revenue, whether from duties or lands, and whether to officers in the customs and land offices, or to laborers and contractors under them, cannot, though now ascertained elsewhere, be known here without special applications to most of the ports and land offices in the United States, and without a delay of several months.

All claimants who have not resided near land offices and had offers of drafts on them, or who, when residing at a distance, have declined to take drafts on them or on banks not paying specie, and thus have not been paid in full or in part, under any of the above classes of cases, must be considered as not having received any other offer of immediate payment in specie. But they have, when inquiring, been informed that the Department did not request them to accept any other medium of payment, unless more satisfactory than to wait till sufficient specie could be collected, or be provided by Congress for all public creditors and officers demanding it. They have been assured, also, that the Department would spare no proper effort to have this accomplished at the earliest day practicable, and in the mean time, (that all should be paid in specie to the extent of its means, without endangering the ability to continue thus,) to discharge such occasional demands of an imperative character as have been described under some of the above classes.

It is due, however, to the public claimants generally to state that, whether creditors or officers, the demands actually made by them on the Department for specie have not, in most cases, been characterized by any wish to increase the existing difficulties, and have not much exceeded its ability to discharge them, increased as it has been from time to time by increased receipts in specie.

In several of the above cases, also, the offer by the Department to pay in specie, has been voluntarily made, or without any previous request. This was done from a conviction that, under all the circumstances, the offer was just; but leaving to the claimant himself the propriety and the election to accept it or not, considering the nature of his claim, the place at which the specie was situated, and the other modes of payment proposed instead of it.

The undersigned cannot allow himself to apprehend that, in thus making all reasonable efforts in his power to pay specie to the public creditors instead of a depreciated currency, and, where not enough specie could be collected for the whole of them, to pay it to as many as practicable, and in the manner explained, he has mistaken the requirements of either the acts of Congress or his official duty.

The last part of the call on this Department relates to another subject, and is "whether, since the date above, the public dues, or any portion thereof, have been received in protested drafts, or any funds other than those prescribed by the joint resolution of the 30th April, 1816." In answer to this, the undersigned would state that, since the 1st of May, no instructions have been given to receive for public dues any kind of money except specie or the notes of banks paying specie. But on the 15th of that month, as stated in the report at the commencement of this session, a circular, which is thereto annexed, was issued to collectors and receivers, requesting them to redeem or take up in behalf of the Treasury, by receiving for duties and lands, such drafts of the Treasurer on the banks as the latter did not pay satisfactorily when presented.

This was done to prevent delays and losses to the public creditors, which would have resulted from a return of the drafts, when not paid, and the issue of new ones on another bank, or on a collector or receiver, as in former times has often been done by this Department. It saved, also, the procrastination and trouble of writing a special letter, as had occasionally been practised, in some such cases, to another bank, or to a collector, to take up the first draft when it had not been paid in behalf of the Treasury by the first drawee. The usage of this Department, from the earliest period, sometimes to draw such drafts in the first instance on receivers and collectors as well as on banks, may be seen in a report of the House of Representatives on the mode of doing business in the Treasury Department, 22d May, 1794, and in a report from this Department to the Senate, 12th January, 1835.

This appeared to settle the only principle involved in the measure under consideration; as a general direction to take up certain drafts seemed as competent as a special direction in a draft itself, or in a letter to pay any particular draft.

Beside the obvious propriety and good faith in causing its drafts for debts to be paid in any prompt way, the course of taking them for duties was likewise directed as early as 1789. (See F 1, annexed to report from this Department made to Congress on the 5th instant.) It was supposed then, as well as now, not to be a question of currency, or relating to the kind of money receivable for public dues; but a question of paying or satisfying our own debts in the most punctual, convenient, and faithful manner which was practicable under numerous existing difficulties. On the same principle, debenture certificates were directed to be redeemed in the same way. When the undersigned, in the emergencies of the last spring, reflected that the usage had been to adopt the course of directing its protested or unpaid drafts to be taken up by collectors or other agents, in such individual cases as had occasionally occurred in ordinary times, he could see no objection; but rather, in such a crisis, when such cases were likely to occur often, a great propriety in requiring them, by a general rule, to be redeemed in all similar instances. When he had caused drafts to be given to public creditors, payable on demand, and in gold and silver, he considered the Treasury bound in law and common honesty to treat them as equivalent to gold and silver. When the fiscal agent on which they were drawn refused thus to pay them, if specie was demanded, at the place where payable, it was remembered that, in the common transactions of life, as well as in the practice of the Department, the act was deemed commendable, as well as legal, for other agents, though without special instructions, to step forward and pay such drafts promptly, for the honor, credit, and benefit of the drawer, which in this case was the Treasury. Hence it seemed, in times like the present, peculiarly proper to request others to do it by general instructions.

It was furthermore considered that, if any debtor should decline to take up, by receiving in payment, a draft or bill of his own, given for a debt and payable on demand in specie, and which the agent on whom it was drawn had refused to pay, the conduct of such a debtor would, in most cases, be regarded as not a little reprehensible.

Under these circumstances, the undersigned would have felt himself unworthy of the high trust confided to his charge, if, in the great peril to public credit, and the heavy losses threatened to the public creditors, under the suspension of specie payments by most of the Treasury depositories, he had not exerted his best efforts, and made the most diligent researches, to discover and devise legal modes of relief. After doing that, he adopted the course above explained—a course which seemed not only justified by precedents and sound legal principles, but enabled the banks holding public money to discharge their engagements to the United States to that extent, by satisfactory arrangements with the public creditors; and, at the same time, was calculated to remove any dishonorable stigma from the Government, by protecting its obligations as far as possible from discredit, and by preventing much delay and loss to the claimants on the Treasury. The amount of drafts so redeemed or paid by collectors and receivers, at the request and in behalf of the Treasury, from the 15th of May to the 11th instant, according to the returns received to that date, was $1,237,288. In this way, the public creditors to that extent have been so far relieved as to realize an amount sometimes near and

seldom much below the par of specie, to which they were entitled. They have obtained this, instead of being subjected to a total loss of ten or fifteen per cent. on every dollar, and which, in one view of the subject, the banks would otherwise have gained at their expense.

Some of the banks, at the same time, have thus, with great usefulness to the community, been induced to make more vigorous exertions to renew specie payments at an early day, finding that all their obligations could not be discharged in a depreciated paper. Respectfully,

LEVI WOODBURY,
*Secretary of the Treasury.*

Hon. JAMES K. POLK,
*Speaker of the House of Representatives.*

A 1.

TREASURY DEPARTMENT, *August* 16, 1837.

SIR: The near approach of the session of Congress makes it proper for me to apprize you, in order that the information may be used for the benefit and accommodation of the members of the House of Representatives, that this Department will be prepared to furnish funds for their payment in notes of the city banks, or specie, or to give drafts upon several of the collectors of the customs and receivers of the public money, or the former deposite banks, in suitable sums, as may be most convenient to any of them.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Treasury.*

W. S. FRANKLIN, Esq.
*Clerk of the Ho. of Reps. of the U. S.*

A. 2.

*Statement of drafts drawn on collectors.*

| Objects. | In whose favor. | Paid. | Outstanding. |
|---|---|---|---|
| Light-house | David B. McNeil | - | $500 00 |
| Patent | Eli K. Price | - | 20 00 |
| Do. | John F. Walther | $20 00 | |
| Collectors | Charles J. Steedman | 3 1 86 | |
| Dist. Attorney | J. Forsyth, jr. Mobile | 50 00 | |
| Marshal | R. L. Crawford, do. | 50 00 | |
| Navy Agent | D. D. Brodhead | 2,000 00 | |
| Engineer Dep't. | R. T. P. Allen | 2,659 00 | |
| Do. | Do. | 2,000 00 | |
| Do. | J. E. Johnston | 1,500 00 | |
| Do. | W. H. Pettes | 2,600 00 | |
| Army | Mudge & Doty | 146 92 | |
| Engineer Dep't. | William Smith | 4,224 49 | |
| Do. | U. G. White | 6,800 00 | |
| Do. | W. T. Stockton | 2,000 00 | |
| Do. | R. C. Smead | 5,000 00 | |
| Do | Thomas Foster | 5,000 00 | |
| Do. | W. H. Pettes | 5,000 00 | |
| Paymaster | Edmund Kirby | 7,000 00 | |
| Engineer Dep't. | R. C. Smead | 4,724 32 | |
| Do. | J. G. Swift | 547 45 | |
| Do. | J. E. Johnston | 1,900 00 | |
| Army | Walter Becher | 66 67 | |
| Forts | Cashier of Newport Exchange Bank, R. I. | 3,810 00 | |
| | | $57,430 71 | $520 00 |

| | |
|---|---|
| Amount of drafts on collectors paid | $57,430 71 |
| Ditto on same, outstanding | 520 00 |
| Total amount drafts on collectors | $57,950 71 |

*Statement of drafts drawn on receivers of public moneys.*

| Objects. | In whose favor. | Paid. | Outstanding. |
|---|---|---|---|
| Public builings | William Noland | $10,775 00 | |
| Treasury | Richard Ela | 9,937 00 | |
| Pensions | A. Clark | - | $2,500 00 |
| Surveyor Gen. | Robert T. Lytle | - | 1,979 16 |
| Patent | Horatio B. Wade | - | 20 00 |
| Repay't lands | C. Morris, jr. | - | 50 00 |
| Do. | J. Brought | - | 50 00 |
| Do. | S. Richey | - | 100 00 |

STATEMENT—continued.

| Objects. | In whose favor. | Paid. | Outstanding. |
|---|---|---|---|
| Patent | Thomas J. Corbin | 20 00 | |
| Lands | Francis McHavry | 200 00 | |
| Do. | Peter Charley | - | 100 00 |
| Do. | Ovid Butler | 100 00 | |
| Indians | Joseph Hook, jr. | 10,000 00 | 5,000 00 |
| Do. | John Garland | - | 3,450 00 |
| Do. | Do. | - | 40,085 00 |
| Engineer Dep't. | J. Allen | - | 7,200 00 |
| Chickasaws | James De Baun | - | 6,000 00 |
| Army | C. A. Ogden | 10,000 00 | |
| Indians | John Garland | - | 16,350 00 |
| Engineer Dep't. | J. Allen | 7,600 00 | |
| Indians | E. A. Hitchcock | 16,365 20 | 28,750 00 |
| Do. | John C. Reynolds | - | 12,000 00 |
| Surveyor Gen. | Daniel Dunklin | - | 1,736 16 |
| Engineer Dep't. | C. A. Ogden | - | 20,000 00 |
| Paymaster | A. A. Massias | - | 10,000 00 |
| Indians | E. A. Hitchcock | - | 12,110 00 |
| Do. | Joseph Hook, jr. | 10,000 00 | |
| Do. | John C. Reynolds | - | 8,000 00 |
| Pension | Daniel Hay | - | 9,200 00 |
| Engineer Dep't. | C. A. Ogden | 20,000 00 | |
| Quartermaster | J. B. Brandt | - | 27,000 00 |
| Indians | E. A. Hitchcock | - | 21,300 00 |
| Do. | R. D. C. Collins | - | 52,500 00 |
| Paymaster | A. A. Massias | - | 10,000 00 |
| Quartermaster | J. B. Brandt | - | 13,000 00 |
| Private claims | W. H. Ashley | - | 152 00 |
| Indians | E. A. Hitchcock | - | 5,000 00 |
| Army | Thomas Swords | - | 10,000 00 |
| Indians | E. A. Hitchcock | 14,000 00 | |
| Quartermaster | J. B. Brandt | 10,000 00 | |
| Paymaster | A. A. Massias | - | 5,000 00 |
| Indians | Thomas J. Abbott | - | 500 00 |
| Do. | Cashier Phœnix Bank, New York, to credit C. A. Harris | - | 51,714 00 |
| Do. | J. P. Simonton | - | 47,965 00 |
| Do. | John Garland | 8,156 00 | |
| Army | C. C. Sibley | - | 200 00 |
| Engineer Dep't. | James Allen | - | 9,800 00 |
| Army | A. Whiting | - | 3,000 00 |
| Paymaster | R. A. Forsyth | - | 10,000 00 |
| Army | R. H. Ross | - | 5,000 00 |
| Do. | T. P. Ridgely | - | 300 00 |
| Do. | John Williamson | - | 3,000 00 |
| Chickasaws | James De Baun | - | 56,000 00 |
| Army | E. B. Dabbit | - | 2,000 00 |
| Do. | Do. | - | 1,000 00 |
| Indians | John Garland | 31,345 00 | |
| Engineer Dep't. | J. B. Pettival | - | 1,200 00 |
| Indians | J. A. Phillips | - | 3,000 00 |
| Do. | R. D. C. Collins | - | 47,000 00 |
| Engineer Dep't. | A. H. Bowman | - | 25,990 00 |
| Private claims | Alaxander H. Webb | - | 33 48 |
| Dist. Attorney | W. W. Chapman | - | 62 50 |
| Marshal | F. Gehon | - | 50 00 |
| Judge | C. Dunn | - | 450 00 |
| Do. | D. Irwin | - | 450 00 |
| Surveyor Gen. | Daniel Dunklin | - | 20,000 00 |
| Private claims | James M. Richey | - | 82 15 |
| Record'r of land titles | Frederick R. Conway | - | 56 00 |
| Judge | N. Pope | 250 00 | |
| Dist. Attorney | D. J. Baker | 50 00 | |
| Judge | N. Pope | 250 00 | |
| Surveyor Gen. | Daniel Dunklin | - | 5,000 00 |
| Lands | James Hinthom | - | 50 00 |
| Private claim | William Highsmith | - | 77 97 |
| Lands | R. Bibb, jr. | - | 200 00 |
| Do. | W. Wilcoxen | - | 200 00 |
| Surveyor Gen. | Daniel Dunklin | - | 5,000 00 |
| Lands | George W. Berrien | - | 100 00 |
| Surveyor Gen. | Daniel Dunklin | - | 430 31 |
| Private claims | William Dement | - | 61 37 |
| Do. | Noble Stanley | - | 40 55 |
| Do. | John McCurry | - | 49 28 |
| Do. | John Dement | - | 357 61 |
| Lands | W. W. Austen, s n. | - | 50 00 |
| Surveyor Gen. | D. Dunklin | - | 2,161 67 |
| Do. | James H. Weakly | 1,175 00 | |
| Lands | George J. Jarvis | - | 99 75 |
| Do. | J. Whetston and W. W. Wetson | 100 28 | |
| Do. | Henry Kellam | 100 30 | |
| Do. | Alex. McDonald | 100 64 | |
| Do. | J. L. Cunningham | 99 75 | |
| Marshal | W. M. Gwinn | 2,000 00 | |
| Do. | Do. | 50 00 | |
| Officers, Wisconsin Territory | W. B. Slaughter | 93 33 | |
| | Henry Dodge | 625 00 | |
| | W. B. Slaughter | 300 00 | |
| Judge | C. Dunn | 900 00 | |
| Marshal | Francis Gehon | - | 3,000 00 |

STATEMENT—continued.

| Objects. | In whose favor. | Paid. | Outstanding. |
|---|---|---|---|
| Lands | David Walter Jones | 50 00 | |
| Judge | R. Wilkins | – | 375 00 |
| Surveyor Gen. | Edward Cross | – | 5,000 00 |
| Marshal | T. E. Randolph | – | 50 00 |
| Private claims | Elias B. Gould | – | 1,020 00 |
| Do. | Andres Papy | – | 100 00 |
| Navy | David Deacon | 2,500 00 | |
| Army | McGunnegle & Ways | 3,378 05 | |
| Indians | R. D. C. Collins | – | 3,000 00 |
| Do. | Jonathan Pinkney | – | 125 00 |
| Do. | M. Stokes | – | 355 20 |
| Lands | Morgan McAffee | – | 100 43 |
| Private claims | John Shaw | – | 194 89 |
| | | $173,549 55 | $646,574 39 |

| | |
|---|---|
| Amount drafts on receivers paid | $173,540 55 |
| Ditto on same, outstanding | 646,574 39 |
| Total amount drafts on receivers of public moneys | $820,114 94 |
| Total amount drafts on receivers of public moneys | $820,114 94 |
| Ditto, on collectors | 57,950 71 |
| Total | $878,065 65 |

B.

*Drafts for debts drawn on banks which continue to be depositories since the suspension of specie payments by others.*

| What bank and to whom paid. | Amount. | Total. |
|---|---|---|
| *People's Bank, Bangor, Maine.* | | |
| A. Newhall, pension agent | – | $8,000 00 |
| *Brooklyn Bank, New York.* | | |
| Asa Fitch, navy, abroad | $12,125 00 | |
| J. K. Paulding, navy agent | 5,000 00 | |
| L. L. Van Kleeck, army | 590 00 | |
| Patent fees, returned | 60 00 | |
| | | 17,775 00 |
| *Planters' Bank, Savannah, Georgia.* | | |
| S. Walker | 14 80 | |
| Cashier, M. M. Clark, qr. master's dept. | 10,000 00 | |
| T. F. Hunt, quartermaster's department | 30,000 00 | |
| J. K. F. Mansfield, engineers | 4,800 00 | |
| Cash'r, M. M. Clark, qr. master's dept. | 15,000 00 | |
| R. D. Arnold, medical department | 168 00 | |
| J. Marshall, pension agent | 5,000 00 | |
| J. P. Henry, Navy agent | 1,000 00 | |
| T. F. Hunt, quartermaster's dept. | 10,000 00 | |
| J. Cuyler, judiciary | 625 00 | |
| Cash'r, M. M. Clark, qr. master's dept. | 10,000 00 | |
| W. H. Stiles, district attorney | 50 00 | |
| T. F. Hunt, quartermaster's dept. | 25,000 00 | |
| Do. do. do. | 10,000 00 | |
| J. P. Simonton, Indian department | 30,000 00 | |
| Noah B. Sisson, unprovided claims | 775 00 | |
| Cashier, for J. A. D'Lagnel, army | 1,040 00 | |
| T. F. Hunt, quartermaster's dept. | 25,000 00 | |
| Cash'r, for M. M. Clark, qr. ms dept | 15,000 00 | |
| John N. McIntosh, light houses | 1,007 00 | |
| Archibald Clark, do. | 500 00 | |
| T. F. Hunt, army | 1,500 00 | |
| J. K. F. Mansfield, engineer | 12,000 00 | |
| M. H. McAllister, judiciary | 773 60 | |
| S. H. Simmons, army | 150 00 | |
| Cashier, for M. C. Buck, army | 10,000 00 | |
| J. Marshall, pensions | 330 48 | |
| J. Marshall, pensions | 15,000 00 | |
| T. F. Hunt, army | 5,634 57 | |
| James Hall, relief of Florida | 1,105 00 | |
| W. L. Poole, military agent | 1,154 00 | |
| Christopher Andrews, paymaster | 10,000 00 | |
| J. K. F. Mansfield, engineer | 9,000 00 | |
| J. H. Winder, army | 1,000 00 | |
| | | $262,627 45 |
| *Insurance Bank of Columbus, Georgia* | | |
| J. P. Simonton, removal of Indians | – | 5,035 00 |
| *Louisville Savings Institution.* | | |
| Joseph Hook, jr., removal of Indians | 8,009 00 | |
| J. P. Taylor, army | 2,000 00 | |
| John C. Reynolds, Cherokee treaty | 1,000 00 | |
| Do. do. | 1,500 00 | |
| Wm. McKnight, Cumberland river | 4,250 00 | |
| | | 16,759 00 |

DRAFTS FOR DEBTS—continued.

| What bank and to whom paid. | Amount. | Total. |
|---|---|---|
| *Mint of the United States, Philad.* | | |
| Asa Fitch, navy agent | 25,000 00 | |
| Interest on Holland loan to the cities in the District of Columbia | 13,760 00<br>3,437 50<br>3,437 50 | |
| George Loyall, navy agent | 2,000 00 | |
| Bank of America, foreign bills | 22,500 00 | |
| Thomas M. Ward, do. | 45,000 00 | |
| James De Baun, Chickasaw treaty | 1,000 00 | |
| Thomas M. Ward, foreign bills | 30,000 00 | |
| C. M. Thruston, navy | 10,000 00 | |
| Newport Exchange Bank, Fort Adams | 3,840 00 | |
| P. Baldwin, foreign bills | 3,500 00 | |
| | | 163,465 00 |
| *Bank Metropolis—(special deposite.)* | | |
| A. M. D. Jackson, purser | 1,000 00 | |
| T. P. Andrews, paymaster | 5,000 00 | |
| Patent fees, returned | 60 00 | |
| Senate and Ho. of Reps. U. S. Cong. | 71,250 00 | |
| Phineas Bradley, attorney | 86 | |
| | | 77,880 86 |
| *Branch Bank of Indiana, Lawrenceburg—(special.)* | | |
| Joseph Hook, jr., Indians | – | 116,991 00 |
| *Phœnix Bank, New York—(special.)* | | |
| Asa Fitch, foreign bills | – | 7,875 00 |
| Add State transfers drafts of deposites upon the within banks, since suspension of specie payments, to the State of Maine, on People's Bank, Bangor, Maine | – | 33,612 75 |
| To State of Georgia, on Planters' Bank, Savannah | – | 100,000 00 |
| | | $839,991 06 |

C.

TREASURER'S OFFICE, *September* 15, 1837.

SIR: In compliance with the resolution passed by the House of Representatives on the 11th instant, I have the honor to report that the amount of specie received by the Government apparently since the 1st day of May last, and reported to me by the collectors and receivers as in their hands subject to my drafts from 1st of May to 11th of September, 1837, is as follows:

| | | |
|---|---|---|
| Reported by collectors | | $92,422 16 |
| Reported by receivers | | 1,641,395 35 |
| | | $1,733,817 51 |
| Upon which I have issued drafts, as per detailed statement herewith, marked A, amounting to | | 878,065 65 |
| Leaving this balance subject to future draft | | 855,751 86 |
| Of which there remains in the hands of | | |
| Collectors | $34,471 45 | |
| Receivers | 821,280 41 | |
| | | $855,751 86 |

The total amount of my credit on the 1st of May, in the banks which still continue to be depositories, together with their subsequent receipts, and including special deposites in banks no longer depositories, is $1,048,429 07

Upon which I have issued drafts, as per statement B, exclusive of drafts on the mint 676,526 06

$371,903 01

The special deposite in the Phœnix Bank, New York, was for interest on bonds belonging to Indian trust funds $7,875 00

Ditto, in Branch Bank of Indiana, Lawrenceburg, was money in the hands of receiver at Fort Wayne from sales of lands at the time of suspension of specie payments 116,991 00

| | | |
|---|---|---|
| The special deposite in the Bank of Metropolis, viz: | | |
| Transferred by banks which have suspended specie payment | $130,000 00 | |
| Transferred from mint - | 60,000 00 | |
| On account of receiver at Lima, Ohio - - | 19,988 85 | |
| Repayment by R. Ela - | 9,847 00 | |
| For patent fees, chiefly - | 6,713 33 | |
| | | 226,549 18 |
| Total - - - - | | $351,415 18 |
| Balance in the mint on the 1st of May - | | $1,000,000 00 |
| Upon which I have issued drafts amounting to - - - - | | 223,465 00 |
| Balance subject to draft - - | | $776,535 00 |
| Amount of discredited drafts on banks taken up in payment of duties - | | $1,237,113 78 |
| Ditto in payment of lands - - | | 175 00 |
| | | $1,237,288 78 |

I have the honor to be, very respectfully, your obedient servant,

JOHN CAMPBELL,
*Treasurer of the United States.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

D.

*Statement of moneys in the hands of Collectors and Receivers subject to draft on the 11th September, 1837.*

| | | |
|---|---|---|
| *Collector.* | | |
| P. W. Leland, - | Fall River, Mass. - | $2,578 01 |
| L. Williams, - | New Bedford, Mass. | 500 00 |
| S. Stillwell, - | Oswegatchie, N. Y. | 2,562 08 |
| J. N. Barker, - | Philadelphia, Penn. | 14,960 00 |
| C. D. McIndoe, | Petersburg, Va. - | 1,273 22 |
| L. Marsteller, - | Wilmington, N. C. | 3,700 00 |
| J. Ramsey, - | Plymouth, N. C. - | 300 00 |
| J. K. Pringle, - | Charleston, S. C. - | 7,698 14 |
| J. W. Breedlove, | New Orleans, La. - | 1,400 00 |
| | | $34,971 45 |
| *Receiver.* | | |
| J. H. Larwell, - | Bucyrus, Ohio, - | 6,000 00 |
| J. Coates, - | Chillicothe, Ohio, - | 14,426 57 |
| M. Neville, - | Cincinnati, Ohio, - | 23,586 50 |
| W. Blackburn, - | Lima, Ohio, - | 85,451 30 |
| D. C. Skinner, - | Marietta, Ohio, - | 10,000 00 |
| J. Findley, - | Wooster, Ohio, - | 941 56 |
| J. Hall, - | Zanesville, Ohio, - | 12,218 49 |
| J. T. Pollock, - | Crawfordsville, Ia. - | 31,719 56 |
| J. Spencer, - | Fort Wayne, Ia. - | *124,206 28 |
| J. J. Read, - | Jeffersonville, Ia. - | 19,220 69 |
| S. W. Norris, - | Indianapolis, Ia. - | 15,161 01 |
| J. Jackson, - | La Porte, Ia. - | 48,417 35 |
| J. P. Drake, - | Vincennes, Ia. - | 60,574 86 |
| S. McRoberts, - | Danville, Ill. - | 9,267 56 |
| A. M. Jenkins, - | Edwardsville, Ill. - | 8,893 81 |
| E. Humphreys, - | Kaskaskia, Ill. - | 25,213 27 |
| T. Carlin, - | Quincey, Ill. - | 48,207 46 |
| J. Taylor, - | Springfield, Ill. - | 33,945 38 |
| W. Linn, - | Vandalia, Ill. - | 44,722 38 |
| U. Sebree, - | Fayette, Mo. - | $36,323 88 |
| R. Guild, - | Jackson, Mo. - | 7,301 19 |
| E. M. Ryland, - | Lexington, Mo. - | 30,103 26 |
| A. Bird, - | Palmyra, Mo. - | 87,666 97 |
| S. Merry, - | St. Louis, Mo. - | 11,000 00 |
| D. E. Moore, - | Demopolis, Ala. - | 4,980 09 |
| S. Cruse, - | Huntsville, Ala. - | 9,818 16 |
| N. E. Benson, - | Montgomery, Ala. - | 1,035 [illegible] |
| L. W. Lawler, - | Mardisville, Ala. - | 7,611 91 |
| A. D. Carey, - | Sparta, Ala. - | 8,977 15 |
| W. G. Parrish, - | Tuscaloosa, Ala. - | 5,763 00 |
| G. H. Holliman, | Augusta, Miss. - | 3,028 04 |
| R. Eastin, - | Ouachita, La. - | 11,285 95 |
| T. C. Sheldon, - | Bronson, Mich. - | 26,837 92 |
| J. Kearsley, - | Detroit, Mich. - | 14,019 02 |
| D. B. Miller, - | Monroe, Mich. - | 10,764 16 |
| J. Eneix, - | Mineral Point, Mich. | 26,370 65 |
| C. C. Haskell, - | Saginaw, Mich. - | 9,875 87 |
| D. T. Wilter, - | Washington, Ark. - | 3,495 24 |
| T. Lee, - | Green Bay, W. T. | 18,373 46 |
| R. Parks, - | Milwaukie, W. T. | 16,396 22 |
| W. Edmondson, | Pontitoc, Miss. - | 7,532 67 |
| | | $930,764 39 |

| | |
|---|---|
| Amount in hands of collectors, - - | $34,971 45 |
| From which deduct amount of drafts on collectors who have made no returns to this office, but only to the Secretary of the Treasury, - - - - | 500 00 |
| Aggregate of statement A, - | $34,471 45 |
| Amount in hands of receivers, - - | $930,764 39 |
| From which deduct amount of drafts on receivers who have made no returns to this office, but only to the Secretary of the Treasury, - - - - | 109,483 98 |
| Aggregate of statement B, - | $821,280 41 |

TREASURY DEPARTMENT U. S.,
TREASURER'S OFFICE, *Sept.* 15, 1837.

## ESTIMATED STATE OF THE TREASURY ON THE 1st OF OCTOBER, 1837.

*September* 18, 1837. *Submitted by the Chairman of the Committee of Ways and Means, and ordered to be printed.*

*Estimated state of the Treasury on the 1st of October, 1837.*

| | | |
|---|---|---|
| Specie fund in land offices and banks, - - - | $700,000 | |
| Do. in the mint, - | 800,000 | |
| | | $1,500,000 |
| Balances due from banks, which will remain undrawn on the 1st of October, - - | | 5,000,000 |
| Instalment due from the Bank of the United States on the 1st of October, deducting the amount paid through an arrangement with the Navy Department, about - - | | 1,500,000 |
| Available and unavailable funds - | | $8,000,000 |
| Deduct the sums which will not be available either for deposite or for current expenses of Government for some time to come, viz: | | |
| Employed in the mint for the purchase of bullion, &c., which cannot be applied to any immediate use, - - | $500,000 | |

* Of this sum, $96,401 25 has been placed by the receiver on special deposite in the Bank of Indiana, at Lawrenceburg. Other sums, stated as in the hands of receivers, are, no doubt, on special deposite in banks, under the instructions of the Secretary of the Treasury to that effect.

| | | |
|---|---|---|
| Of the five millions due from banks, only $750,000 are due from banks east and north of Virginia, and but $250,000 from other banks, which can be considered available; leaving wholly unavailable in remote banks, - - - | $4,000,000 | |
| It is understood that the Bank of the United States has become the purchaser of Treasury transfer drafts to the States, (presuming that they were, like other drafts, receivable in payment of public dues,) to meet the instalment due on the 1st of October. Whether they are received or not, the fund will be unavailable—in the one case the claim continues on the United States Bank, and in the other the balance due from the State banks is increased to the amount of - - | 1,500,000 | |
| | | 6,000,000 |
| Leaving in the Treasury, to meet current expenses - - | | $2,000,00 |
| Of which there is in specie - | 1,000,000 | |
| Balances due from non-specie-paying banks - - | 1,000,000 | |

*Probable state of the Treasury in the last quarter of the year, excluding unavailable funds, or all funds which cannot be applied to the current expenses of the Government.*

| | | |
|---|---|---|
| Balance in the Treasury on the 1st of October— | | |
| In specie - - - | $1,000,000 | |
| In banks - - - | 1,000,000 | |
| | | $2,000,000 |
| Receivable from lands, probably less, but may be - - | 1,000,000 | |
| Current receipts from customs, bonds, cash, duties, &c. if the payment of the bonds be postponed, and not including suspended bonds - - | 1,000,000 | |
| Suspended bonds, payable from the middle of November to the 1st of January - - | 1,900,000 | |
| Receipts from miscellaneous sources - - - | 100,000 | |
| | | 4,000,000 |
| | | $6,000,000 |
| The expenditures during the last quarter, estimated at the monthly rates, for the first eight months in the year, will be - - | | 9,000,000 |
| Extraordinary appropriations which will be immediately required for the Florida war - - - - - - | | 1,600,000 |
| Allowance for drafts on banks, (4½ millions outstanding,) which have been issued, and which may be returned in the last quarter in payment of public dues, instead of money, besides the million and a half purchased by the United States Bank - - - | | 500,000 |
| Balance required to be in the Treasury to meet contingent demands, (particularly necessary when the outstanding appropriations amount to 24 millions,) and excluding the additional half million allowed by law for the use of the mint - - - - - | | 4,000,000 |
| | | $15,100,000 |
| Deduct the available means in the 4th quarter | | 6,000,00 |
| Amount to be provided - - - | | $9,100,000 |

## INDIANS IN MILITARY SERVICE.

*Letter from the Secretary of War, in obedience to a resolution of the House of Representatives of the 18th September, in relation to Indians employed in the military service. September* 21, 1837, *ordered to lie on the table.*

WAR DEPARTMENT,
*September* 21, 1837.

SIR: I have the honor to transmit, herewith, a report of the Commanding General, in answer to a resolution of the House of Representatives of the 18th instant, relative to the number of Indians employed in the military service of the United States since the commencement of the present Seminole war, and copies of all orders and instructions under which said Indians have been employed, &c.

Very respectfully, your most obedient servant,
J. R. POINSETT.

Hon. JAMES K. POLK,
*Speaker of the House of Rrepresentatives.*

HEADQUARTERS OF THE ARMY,
*Washington, September* 19, 1837.

SIR: In answer to a resolution of the House of Representatives dated September 18, 1837, requiring "a statement of the number of Indians employed in the military service of the United States since the commencement of the present Seminole war, and copies of all ordes and instructions under which Indians have been employed," &c., I have respectfully to report, that an examination of the files in the Adjutant General's office, shows that a regiment of Creek Indians, composed of fifteen companies, and amounting in the aggregate to seven hundred and forty-nine, was received into the service of the United States on the 1st of September, 1836, by Major General Jesup's order, of which the following is an extract:

"HEADQUARTERS ARMY OF THE SOUTH,
"*Fort Mitchell, July* 25, 1836.

"ORDER No. 50.

"1. A band of friendly Indian warriors will be immediately raised and organized for special service, under instructions from the Commanding General. They will be mustered into the service, mounted, equipped, supplied, and paid as mounted volunteers, for twelve months, unless sooner discharged. Cptain J. F. Lane is appointed to raise, organize, and command them. He will be mustered in for the same period as Colonel, subject to the approval of the President of the United States."

It is presumed that authority for the above was derived from the Secretary of War's letter dated July 11, 1836, of which the following is a copy:

"WAR DEPARTMENT,
"*Washington, July* 11, 1836.

"SIR: It has been suggested that a few Creek warriors might be useful to Governor Call, and might be willing to be employed in the contemplated expedition against the Seminole Indians. You will please to correspond with Governor Call on this subject, and if he should desire it, I would thank you to raise a small corps of this description, not exceeding two or three hundred, and send them to Florida. They may be paid and organized as volunteers, but should be placed under the command of some

white man, well acquainted with them, and who has their confidence. It is presumed that enough young men would be willing to go, without requiring their families to be retained in Alabama until their return. This measure of retaining Indian families ought to be avoided, as the immediate removal of the Indians seems to be indispensably necessary.

Very respectfully, &c.

"L. CASS.

"Major Gen. T. S. Jesup,
"*Fort Mitchell, Alabama.*"

About the commencement of the Indian hostilities in Florida, a band of 90 friendly Indians was received into the service by Captain Belton, the commanding officer at Tampa bay, as seen by his letter of the 7th of January, 1836; but no rolls of them have been received, and it is not known for what time they were so employed; it is presumed not long, however.

On the recommendation of General Jesup, made on the 17th June last, that a thousand Northern Indian warriors should be engaged to take the place of the Creek regiment which was about to be discharged, the present Secretary of War took measures, on the 25th of July, to call into the service of the United States that force, to be composed as follows:

| | |
|---|---|
| Delawares, - - - - - | 200 |
| Shawnees, - - - - - | 400 |
| Sacs and Foxes, - - - - | 100 |
| Kicapoos, - - - - - | 100 |
| Choctaws, - - - - - | 200 |

It may be proper here to state that Major General Scott, in the month of March, 1836, called on Colonel Hogan, the agent for the Creeks, to obtain from that nation five hundred warriors, to serve against the Seminoles; but owing to delays and difficulties not within the General's control, they were not raised.

The orders, instructions, and correspondence having reference to this subject, are hereunto annexed, marked from 1 to 17, inclusive. Respectfully submitted.

ALEX. MACOMB, *Major Gen'l,*
*Commanding in Chief.*

Hon. J. R. Poinsett, *Sec'y of War.*

No. 1.

Fort Mitchell,
*Creek Agency, Feb.* 1, 1836.

My dear General: I have this day received a letter from the honorable the Secretary of War, of which the enclosed is a copy, from which I have learned that you are again in the field, and that the important duty of subduing the Seminoles has been assigned to you, and that I am ordered to report myself to you, and receive and carry into effect such instructions as you may give me. Now, this is all news to me, and is perfect Hebrew, unless the Department meant, in a modest way, to say to me, Take a thousand of your Creek Indians and repair to Florida, and aid General Scott to subdue these rascally Seminoles. If this was their view, why not say so at once, and you should, in a very short time, have me again along side of you, tugging at the old oar. I have no doubt but that I could, in ten days, raise you 1,000 warriors, and be on the march to join your army; and, in as many more days, be with you; all that is necessary is an order to that effect. But the Secretary seems to think the Creek Indians are hostile. This is not the fact; although some little skirmishing has taken place, on the Georgia side of the river, and some few lives have been lost on both sides; but a peace has been effected here to-day between two militia general officers, from Georgia, and the chiefs; and an agreement has been signed by all the chiefs present. I was fifty miles below here night before last, and, hearing of these murders, I came up yesterday, and to-day effected this peace, which I hope and trust will last at least until we can get them out of the country. I am using every exertion to effect this object, and have no doubt but I shall be successful, in a measure, in the course of this spring. A report is going the rounds of the public papers, that a large body of the Creeks have joined the Seminoles; this, you may rely on, is incorrect. I have recently visited all the lower towns, and there is none of their people absent; and you may rely on it that, including all the stragglers that may have joined the Seminoles during the last summer, they cannot exceed one hundred in all; but I am told that they are reinforced by a number of runaway negroes, who are decidedly the most active, keen, and intelligent fellows amongst them. Whatever their strength was before this war, their reinforcements cannot exceed three or four hundred, of every description.

In relation to the Creeks, there would be no difficulty in procuring their services, or in depending on them after they were procured. Whether, under existing circumstances, the Government would be willing to employ them against the Seminoles, is more than I can say; but, if they should, there would be no difficulty in procuring as many as you might choose to muster into service.

I have the honor to remain your friend, &c.,

JNO. B. HOGAN,
*Superintendent Creek removal.*

Major General W. Scott,
*Commanding in Florida.*

---

War Department,
*Washington, January* 21, 1836.

Sir: Major General Scott has been directed to assume the general direction of operations in Florida. Recent intelligence has led to the belief that the Creeks have actively joined, or intend to join, the Seminole Indians in their hostilities. Should such prove to be the case, General Scott has orders to reduce the Creek Indians, as well as the Seminoles, to unconditional submission. In this event, you will please to report yourself to him, and communicate to him all the instructions and information in your possession respecting the views of the Government on the subject of the removal of the Creek Indians. You will also carry into effect such instructions on this matter as he may give you.

Very respectfully, your obedient servant,

LEWIS CASS.

Col. John B. Hogan, *Columbus, Ga.*

No. 2.

Tallahassee, Florida,
*March* 7, 1836.

Dear sir: Major Flournoy and Mr. Watson, of Columbus, Georgia, who will hand you this letter, has applied to me to receive into the service 200 Indians that he has conditionally engaged. It is a matter over which I have no authority, and accordingly have referred him to you. If, as I presume will be the case, the Indians shall betake themselves to hammocks and swamps, and seek for safety there, those Indians may prove highly serviceable in discovering their retreat; besides, as in war times neighboring tribes are not disposed to be inactive, they may join the enemy if you refuse to take them into your service. I should think, therefore, it would be most advisable to authorize those gentlemen to bring them to Tampa. The Chattahoochie river being now in fine order, they could very soon be transported in a steamboat to Tampa bay.

I have no news either from the army or elsewhere. Our difference with France is adjusted, without war and without apology.

In this Territory horses, nor supplies for them, could be procured; accordingly, one-half, say 300, were sent to Tampa bay, under Major Read. About 200 are, or soon

will be, on the frontier about the Suwannee, to guard against those marauding straying parties that may attempt any mischief there.

With great respect,

J. H. EATON.

Gen. WINFIELD SCOTT.

No. 3.

HEADQUARTERS ARMY OF FLORIDA,

ORDER No. 13. *Fort Drane, March* 14, 1836.

General Thomas Woodward, of Macon county, Alabama, is authorized, aided by Majors J. H. Watson and W. B. Flournoy, to accept the services of any five hundred Creek warriors, to be employed as auxiliaries in the present war against the Seminole Indians. Should General Woodward decline taking the command of these friendly Indians, Major Watson, assisted by Major Flournoy, will take the command of them.

The United States agents in the Creek nation will give every facility in raising and despatching the auxiliary force mentioned above. The force will proceed, by water, from the Creek country to Tampa bay, where, on its arrival, it will be reported to any general or colonel who may be in command in that quarter.

Commissions, of course, cannot be granted to the gentlemen who may be employed with this force; but the commander will be considered as having the rank of lieutenant colonel, the next officer the rank of major, and the third that of captain. Should more officers be requisite, one or two lieutenants will be recognised; but this will be a subject for future determination.

WINFIELD SCOTT.

No. 4.

WAR DEPARTMENT, *April* 12, 1836.

SIR: I enclose herewith an extract of a letter received from Colonel Hogan, together with a copy of one this day addressed to him.

As my views are fully expressed in the letter to Colonel Hogan, I need not trouble you with a repetition of them.

Very respectfully, your most obedient servant,

LEWIS CASS.

Major General SCOTT, *Fort King, Florida.*

*Extract of a letter from John B. Hogan to the Secretary of War, dated*

TUSKEGEE, *March* 28, 1836.

SIR: At this council Mr. John H. Watson, the same young man who commenced all the late disturbances at Columbus, by attacking a party of Creeks below Fort Mitchell, in which affair two white men were killed; this Mr. Watson came on the ground with a piece of paper purporting to be a copy of an order recently issued by Major General Scott, authorizing General Woodward, of this place, who is one of the new batch of emigrating contractors, to accept the services of any 500 Creek Indians, as volunteers. General W. declined making any efforts to raise volunteers, by stating that it was a well-known fact that he had no influence with the Indians, but if they were raised, and no better man could be found, he would go with them; but, as far as I could understand his open declarations, he appeared to disapprove altogether of the project, as it was his opinion that it would retard emigration. Mr. Watson, who appears to be a wild, rash, inconsiderate young man, insisted that I was bound to raise the warriors. I referred him to Captain Page, as a military officer, and who was acting as superintendent, but he seemed to think that a word or two from me would induce the chiefs to jump at the offer. In the mean time I consulted Captain Page, who was decidedly opposed to sending Indians under the orders of such a man, and, indeed, seemed to disapprove of it. I also consulted with Opothleoholo, who said he did not want his people to engage in any such war at present; that he was anxious to get off for the West; but if the Secretary of war wanted his people to go, he did not wish them to go with men he did know, and of course had no confidence in. Other chiefs told me the same thing. Mr. Watson continued to follow me about, and insisting that I must get him Indians to go; and at last he became rude and offensive. I then cut him short, by telling him if he had any communications to make me, to do it in writing, and I would in the same manner reply. I also consulted the emigrating contractors, who I had reason to think were pushing on Watson, and asked them, if the Indian warriors were raised, if they would give me, from under their hands, a relinquishment of any claim they might hereafter choose to prefer for damages on account of those Indians being carried to Florida. They said they would not give any relinquishment, but the Indians might go if the War Department required their services.

Whatever inclination I might have to obey General Scott's orders, and certainly there is no officer I have ever served under that I more highly love and respect, and whose orders at all times afforded me more pleasure to obey, yet, in the present instance, I have deemed it most prudent to refer the whole matter to you. I can easily perceive General Scott's situation when he gave that order to those young men, Watson and Flournoy, who visited him at Picolata, and no doubt made a display of their patriotism and popularity among the Creeks, and urged the General to give them an order to bring into the field 500 Indians. The General seeing but one side, and being pleased with their spirit, gave the order; you will see, too, that the order (a copy of which I herewith enclose) does not embrace an order on the commissariat or quartermaster general's department for subsistence and transportation, or on the ordnance department for arms, or their being mustered into the service of the United States, nor was it personally addressed to Captain Page or myself, or would Mr. Watson vouch that it was a correct copy of General Scott's order, as he wrote it, he said, from memory. If it is desirable to have the 500 Creek warriors engage in this war, I have but little doubt they can be obtained, if proper persons are sent to command them, but I do not think that either Mr. Watson or Mr. Flournoy are the right sort of persons to be charged with such a command. I have no doubt of the bravery of either, but I should think they lack the other requisites of a commander, viz: prudence, temper, caution, and experience. If, however, you wish the order complied with, it shall be attempted and enforced as far as my influence will go. In my first communication to General Scott, I made a tender of my services, should he require Indians in this campaign; not having heard from him, I presumed the Department would sanction the employment of them, and thought no more on the subject. If, however, I am mistaken, I again tender my services to go as commander of such a body as the Department may order. A matter of that sort is much more to my taste than the duties now assigned me.

I have the honor to remain your obedient servant,

JOHN B. HOGAN.

Hon. LEWIS CASS.

No. 5.

WAR DEPARTMENT, *April* 12, 1836.

SIR: I have received your letter of the 28th ultimo. With respect to the employment of the Creek Indians under the orders of General Scott, I am unwilling to give you any definite instructions. I would rather that the campaign should be brought to a successful termination without the aid of the Creek Indians. Still, if from the nature of the operations, this cannot be done without sacrificing our own troops to the unhealthfulness of the climate in the sickly

season of the year, the Department will consent to have a corps of these Indians raised, if they are willing to be so employed. But the time which has intervened since the authority given by General Scott on this subject, and the great changes which may have occurred in the state of things in Florida, render it inexpedient to give directions here to have any measures taken. I think it is best that you should explain to the Creeks the views of General Scott, in relation to the employment of these young men, and request them to have in readiness the force which he required to be called out, should General Scott again renew the requisition. In the mean time I shall communicate these views to General Scott, and refer to his own discretion the course which shall be taken.

I have to request your zealous co-operation in whatever measures General Scott may think necessary.

Very respectfully, your most obedient servant,

LEWIS CASS.

Colonel J. B. Hogan. *Columbus, Georgia.*

No. 6.

*Extract from a letter of Major General Thomas S. Jesup to the Hon. B. F. Butler, (Secretary of War ad interim,) dated*

"Fort Dade, *March* 7, 1837.

"When the Indian regiment was raised in the Creek country for service in Florida, it was distinctly understood by *them*, as well as by *me*, that they were to be allowed to return to Alabama in time to remove to the country assigned to them in the west of the Mississippi, before the season for planting their corn. I have found it necessary to retain them in service up to this time, and it is important that they remain until the Seminoles remove. Had they left me on the 1st of February, according to the assurances given to them, I must have called into service at least two regiments of militia or volunteers, to have taken their places, at a heavy expense; besides, there would have been much loss of time in discharging the Indians, and bringing into service the militia. From a careful consideration of all the circumstances in which I found myself, as well as from the situation of the enemy, and the nature of the country in which we were operating, I was decidedly of opinion that sound policy, as well as considerations of economy, made it proper to retain the Indian force. To induce them to remain, I assured them that if they should be detained beyond the planting season, the United States would not only subsist them for twelve months after their arrival West, but, in addition to that period, until the time of gathering their crops next year. By the arrangement which I have made with them, a considerable sum will be saved to the Treasury in the end, and I respectfully ask that it be approved by the Department."

No. 7.

War Department, *March* 27, 1837.

Sir: I have had the honor to receive your letter of the 7th instant, respecting the further continuance of the regiment of Creek warriors in the service of the United States. The reasons given by you for adopting this measure are entirely satisfactory, and the Department therefore approves it, and will carry into effect the assurances which you have given those Indians respecting their subsistence after their arrival at their homes in the West.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Maj. Gen. Thomas S. Jesup,
*Fort Dade, Garey's Ferry, Florida.*

No. 8.

War Department, *July* 22, 1837.

Sir: It having been deemed advisable to employ a body of friendly Indians to aid in the operations against the Seminoles of Florida during the next campaign, you are required to endeavor to engage for this service four hundred Shawnees, two hundred Delawares, and one hundred Kickapoos, to be selected from the most intelligent of those best affected towards the United States. You will represent to them that they will be divided into bands of fifty each, including the individual who may have the command of each band, and who will be selected by those composing the bands out of their own number. The compensation of these Indians for six months' service will be as follows: to the chief of each band four hundred and seventeen dollars, and to all others, each two hundred and seventy dollars. Besides this pay, they will be subsisted at the expense of the Government; and it may be proper to assure them that every effort will be made to give them, should they desire it, the same kind of ration which they now receive; and that should any of the Indians thus engaged, die or be killed while in the service of the Government, the amount of pay which may be due them for the six months' service will be given to their families.

These Indians will be armed with their own rifles and implements, so far as they possess them, and those who may not have them of their own will be furnished by the United States, the cost of which to be deducted from their pay. Each band will select its own interpreter, who will be enrolled and will compose one of the fifty. The compensation of each interpreter, for the six months' service, will be three hundred and fifty dollars.

It is of great importance that the enrolment and organization of this force should be completed sufficiently early to admit of its transportation to Tampa bay, Florida, by the middle of October next at latest. In the duty of enrolling and organizing, you will be assisted by one or more officers of the army, who will join you at the proper time for the purpose, and who, when this duty shall have been completed, will take charge of the Indians, and conduct them in transports on their way to Florida.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Major R. W. Cummins,
*Fort Leavenworth, Missouri.*

[Same to Captain William Armstrong, substituting for the names and numbers of the tribes, two hundred Choctaws.

Same to General J. M. Street, substituting for the names and numbers of the tribes, one hundred Sacs and Foxes.]

No. 9.

*Extract from a letter to Major General Thomas S. Jesup.*

"War Department, *July* 1, 1837.

"Measures have been taken to obtain the Indian force you have recommended, and it is hoped that one thousand warriors will be at Tampa in time to co-operate with the regulars at the commencement of the campaign: say two hundred Delawares, four hundred Shawnees, one hundred Sacs and Foxes, one hundred Kickapoos, and two hundred Choctaws; making in all one thousand warriors."

No. 10.

War Department, *August* 1, 1837.

Sir: I enclose for your information copies of instructions that have been issued in reference to the employment of an Indian force during the next campaign in Florida.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Major General Thomas S. Jesup,
*Garey's Ferry, Florida.*

No. 11.

War Department, *August* 8, 1837.

Sir: Major Brant, quartermaster at St. Louis, has been instructed to turn over to you the sum of three thousand

dollars, which is to defray the expenses incident to engaging the Shawnees, Delawares, Kickapoos, and Sac and Fox Indians, for service in Florida.

These expenses will comprise those necessarily incurred by the agent in assembling the Indians at some proper point, the cost of their subsistence while there, until they shall have been regularly enrolled and organized into companies and received into the service of the United States, and of such clothing as they may be in immediate want of. Payments for these objects will be made upon accounts certified by the agent whose duty it is to collect the Indians together. Of the sum mentioned, you will place two thousand five hundred dollars in the hands of Captain Bean, to defray the expenses of clothing the Shawnees, Delawares, and Kickapoos, and the remainder you will take charge of, and pay the expenses incident to the assembling of the Sacs and Foxes.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Lieut. Benj. Poole, *St. Louis, Mo.*

No. 12.

War Department, *August* 8, 1837.

Sir: For the purpose of defraying the expenses incident to assembling the Choctaw Indians required for service in Florida, for subsisting them till they shall have have been enrolled, organized, and regularly mustered into the service of the United States, and of providing them with such articles of clothing as they may be in immediate want of, the assistant quartermaster at Fort Gibson, has been instructed to place in your hands the sum of five hundred dollars. You will make the payments for the above objects, and for such other expenses as the agent may necessarily incur, on accounts certified by the agent whose duty it is to assemble the Indians.

With respect to arms for such of these Indians as may not have them, these will be supplied from the arsenal at Baton Rouge, Louisiana; at which place, in transporting the Indians to New Orleans, you will stop, for the purpose of providing the Indians with them.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Capt. Benj. L. E. Bonneville,
*U. S. Army, Fort Gibson, Ark.*

No. 13.

War Department, *August* 9, 1837.

Sir: Captains Gordon and Bean have been selected to assist you in the performance of the duty of engaging the Shawnees, Delawares, and Kickapoos, for service in Florida, imposed upon you by my letter of the 22d ultimo, and to take charge of those Indians and conduct them to Florida, when they shall have been mustered into the service of the United States.

Measures have been taken for placing in the hands of Captains Gordon and Bean, such an amount of funds as will, it is supposed, defray the expenses which it may be necessary to incur previous to the Indians being mustered. These expenses, it is presumed, will principally consist of those incident to the measures for collecting the Indians at one point, their subsistence, and the purchase of such articles of clothing as may be immediately required to render them comfortable, and to create a favorable impression on their part towards the United States. Accounts for these objects will be paid by Captains Gordon and Bean, on your certificate; and I have to request, that in your expenditures, you will be prudent, and as economical as circumstances will permit.

Should you not succeed in engaging the requisite number of either tribes named, you will use your discretion in making up the deficiency from one or both of the others; and should the number of each tribe which you may prevail upon to enter the service, fall short of that required, you will endeavor to provide for the deficiency from other tribes, being careful to employ those who would serve with the Shawnees, Delawares, and Kickapoos, without danger of difficulty from dissensions between them.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Major R. W. Cummins, *Fort Leavenworth, Missouri.*

No. 14.

War Department, *August* 9, 1837.

Sir: Lieutenant Poole has been selected to assist you in the performance of the duty of engaging the Sacs and Foxes for service in Florida, imposed upon you by my letter of the 22d mltimo, and to take charge of those Indians and conduct them to Florida, when they shall have been mustered into the service of the United States,

Measures have been taken for placing in the hands of Lieutenant Poole such an amount of funds as will, it is supposed, defray the expenses which it may be necessary to incur previous to the Indians being mustered. These expenses, it is presumed, will principally consist of those incident to the measures for collecting the Indians at one point, their subsistence, and the purchase of such articles of clothing as may be immediately required to render them comfortable, and to create a favorable impression on their part towards the United States. Accounts for these objects will be paid by Lieutenant Poole, on your certificate; and I have to request, that in your expenditures, you will be prudent, and as economical as circumstances will permit.

Should you not succeed in engaging the requisite number of Sacs and Foxes, you will endeavor to make up the deficiency from some other tribe, being careful, however, in engaging those who would harmonize in feeling with the Sacs and Foxes, and serve with them without danger of difficulty from dissensions between them.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Gen. J. M. Street,
*To the care of Gen. Wm. Clark, St. Louis, Missouri.*

No. 15.

War Department, *August* 9, 1837.

Sir: Captain Bonneville has been selected to assist you in the performance of the duty of engaging the Choctaws for service in Florida, imposed upon you by my letter of the 22d ultimo, and to take charge of those Indians and conduct them to Florida when they shall have been mustered into the service of the United States.

Measures have been taken for placing in the hands of Captain Bonneville such an amount of funds as will, it is supposed, defray the expenses which it may be necessary to incur previous to the Indians being mustered. These expenses, it is presumed, will principally consist of those incident to the measures for collecting the Indians at one point, their subsistence, and the purchase of such articles of clothing as may be immediately required to render them comfortable, and to create a favorable impression on their part towards the United States. Accounts for these objects will be paid by Captain Bonneville, on your certificate; and I have to request, that in your expenditures, you will be prudent, and as economical as circumstances will permit.

Should you not succeed in engaging the requisite number of Choctaws, you will endeavor to make up the deficiency from some other tribe; being careful, however, in engaging those who would harmonize in feeling with the Choctaws, and serve with them without danger of difficulty from dissensions between them.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Captain William Armstrong,
*Choctaw Agency, Arkansas.*

No. 16.

WAR DEPARTMENT, *August* 9, 1837.

SIR: In the instructions to Major Cummins, whom you are to assist in engaging the Sacs and Foxes required for service in Florida, he is told that those Indians who may not have the necessary arms and accoutrements will be provided with them by the United States; and I have now to inform you that these will be supplied at St. Louis, on your arrival there with the Indians on your way to Florida.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Lieut. BENJ. L. E. POOLE,
*St. Louis, Missouri.*

No. 17.

WAR DEPARTMENT, *August* 9, 1837.

GENTLEMEN: In the instructions to Major Cummins, whom you are to assist in engaging the Shawnees, Delawares, and Kickapoos, required for service in Florida, he is told that those Indians who may not have the necessary arms and accoutrements will be provided with them by the United States; and I have now to inform you that these will be supplied at St. Louis, on your arrival there with the Indians on your way to Florida.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Captains WILLIAM GORDON and
J. L. BEAN, *Fort Leavenworth, Mo.*

## UNPAID DUTIES, &c.

*Letter from the Secretary of the Treasury, (in obedience to a resolution of the 20th of September,) with statements in relation to the amount of unpaid duties, &c. September* 21, 1837. *Referred to the Committee of Ways and Means.*

TREASURY DEPARTMENT,
*September* 21, 1837.

SIR: The following report is submitted in compliance with a resolution passed on the 20th instant, in these words:

"*Resolved*, That the Secretary of the Treasury be directed to lay before this House, statements of the amount of duties unpaid which accrued before the end of the first half of the present year, and when payable; of the amount then due from the Bank of the United States, and when payable; of the data on which the accruing revenues for the last half of the present year were founded.

In answer to the first inquiry, the annexed statement is exhibited, as being the most accurate which can be furnished from materials now in possession of the Department, concerning the "amount of duties unpaid which accrued before the end of the first half of the present year, and when payable." (A)

The next statement (B) shows "the amount then due from the Bank of the United States, and when payable."

The last statement (C) contains the information desired in the last inquiry, as to "the data on which the accruing revenues for the last half of the present year were founded."

This statement is prepared on the supposition that, by the expression "accruing revenues," is here meant the revenues estimated in the report at the commencement of the session, as likely to be actually received "for the last half of the present year." Because the Department has not made nor submitted any estimate of the revenues, which may accrue in the last half of the year, and not be then payable. Much of those then accruing will not be payable, or received till another year, and the amount is not, therefore, usually exhibited in reports on the finances of an earlier date, and did not seem material to be exhibited in that which I had recently the honor to submit to Congress.

Respectfully,

LEVI WOODBURY,
*Secretary of the Treasury.*

Hon. JAMES K. POLK,
*Speaker of the House of Representatives.*

A.

It is supposed that the statement required under this head is wished to embrace only the bonds for revenue accruing in the first half of the year A. D. 1837, which were unpaid at the end of that half year; otherwise, it would include all the bonds in previous years that then remained unpaid; and which, from insolvencies, suits, and other causes, are large in amount; and the times when payable, very difficult to be either ascertained, estimated, or described, with accuracy.

The following exhibit, compiled from the returns in the office of the Solicitor of the Treasury, furnishes the fullest and most accurate data on this subject which are now in this Department.

Such of those bonds as were not put in suit, have generally been postponed till the 1st of October.

*Statement of the amount of custom-house bonds delivered to district attorneys for suit, from 1st January, 1837, to 30th June, 1837, as returned to the Solicitor's office.*

| | | |
|---|---|---|
| IN DISTRICT NORTH OF NEW YORK. | | |
| From 1st January to 10th May, 1837 | $29,130 77 | |
| From 10th May to 30th June | 206,412 23 | |
| | | $235,543 00 |
| NEW YORK. | | |
| From 1st Jannary to 10th May | 118,434 29 | |
| From 10th May to 30th June | 1,283,274 92 | |
| | | 1,401,709 21 |
| SOUTH OF NEW YORK. | | |
| From 1st January to 10th May | 13,989 32 | |
| From 10th May to 30th June | 538,393 94 | |
| | | 552,383 26 |
| Aggregate | | $2,189,635 47 |
| From 1st January to 10th May | 161,554 38 | |
| From 10th May to 30th June | 2,028,081 09 | |
| | | $2,189,635 47 |

B.

Due by the United States Bank on account of the stock owned by the United States, and the navy pension fund, $7,946,356 11; payable in four equal annual instalments, of $1,986,589 04, in September, 1837, 1838, 1839, and 1840, with interest from March 3d, 1836.

Of the above amount, $741,561 28 is on account of the navy pension fund, and has partly been paid, and the residue will be out of the first instalment, when received. It is a portion of a trust fund, and not applicable to general purposes.

C.

The revenues that will actually be received by the Treasury during the last half year of 1837, were in August last estimated on the following data:

1st. Those from lands were computed at about the supposed average for July and

August, which it was ascertained and estimated would not be far from $250,000 per month. This for six months would be $1,500,000

2d. Those from miscellaneous sources, such as interest before due from deposite banks &c., about - - - - - 200,000

3d. Those from the Bank of the United States, applicable to public purposes, after deducting from the first instalment on hand the sum paid and due to the Navy Department for the pension fund, about 1,500,000

$3,200,000

These items and amounts were deemed highly probable, and were independent of any course the Department or Congress might adopt as to the postponement of bonds for duties, or of the cash duties.

But the Department having postponed, and authorized to be postponed till October 1st, all the bonds for duties which fell due before that date, under the conditions and terms detailed in the recent report, it was estimated that in July, August, and September, the actual receipts for duties beyond, or after deducting the debentures and custom-house expenses payable in or chargeable to that quarter of the year, would not much exceed - - - - - - 300,000

The debentures alone, it was ascertained and estimated, would amount to near a million of dollars; and so large a part of the receipts was in drafts not paid by the banks, and which could not be paid out again after being redeemed, that the Department was obliged to refund money from former collections to meet the demands on account of debentures and other expenses.

It was next supposed that if Congress postponed till the 1st of January, 1838, all the bonds due on the 1st October, and such as might fall due during the rest of the year, the actual receipts in the last quarter, from duties, would not exceed the debentures and expenses over - - - - - 1,000,000

This would make the whole receipts, in the last half of the year, only - - $4,500,000

But if Congress postponed the bonds due in October, as well as all others falling due within the year, to a period of six months from the time they originally fell due, it was supposed that, in the last quarter, the actual collections from them would be near the additional sum of $2,500,000. None would then become finally due till the middle of November, and thence to the end of the year only such as had been postponed during the last half of May and the month of June. Of these it was expected that a considerable portion would be put in suit and not paid within 1837. This would make, on that hypothesis, an aggregate of receipts for the last half of the year of about $7,000,000.

But if Congress should make no further postponement of any bonds beyond October 1st, it was computed that the additional sum collected in the last quarter, instead of $2,500,000, would be about $5,000,000. It was supposed that, in such an event, a still larger proportion of bonds falling due during the quarter would be put in suit and not collected within the year. This would constitute an aggregate of actual receipts for the last half of the year equal to about $9,500,000.

The bonds put in suit in the third quarter are ascertained and computed to have been near one-fifth of those falling due, and the expenses of the custom-houses during that period equalled near six per cent. on the gross revenue, beside the large sum of about a million paid back for debentures on goods reshipped under the extraordinary state of the commercial world.

During the fourth quarter it was considered that the expenses would be similar in amount and the debentures either more or less, as the bonds for duties should be paid in or postponed to a greater or less extent.

## SAFE KEEPING OF PUBLIC MONEYS.

*Letter from the Secretary of the Treasury, transmitting the information required by a resolution of the House of Representatives of the 18th instant, in relation to the methods which have been adopted for the safe keeping of the public funds, &c. September 23, 1837, read and laid on the table.*

TREASURY DEPARTMENT, *September* 22, 1837.

SIR: This report is submitted in compliance with the following resolution, passed the 18th instant:

"*Resolved*, That the Secretary of the Treasury prepare and report to this House, as soon as may be, a statement showing what methods have been adopted for the safe-keeping of the public funds, since the first organization of the Government under the constitution; the length of time that each method has been in use, designating the several changes, and when made; and what losses under each method have been sustained by the Treasury, in consequence of defalcation of agents or officers so intrusted with the funds for safe-keeping."

The first method adopted for the safe-keeping of the public money after the organization of the Government under the present constitution, was devised and directed by the Secretary of the Treasury. He appears to have felt empowered to do this, as being the officer invested with general superintendence over the collection and disbursement of the revenue. No law pointed out any specific method to be pursued, but it was merely provided by the act of September 2, 1789, that the Threasurer should "keep" the public money and "disburse the same."

The plan selected was unlike that in most other countries, so far as it required that very little of the money should be kept by the Treasurer himself, at the seat of Government, and in his personal custody. It would, however, seem, from a report to the House of Representatives, 22d May, 1794, that prior to that date small sums had been so kept by him occasionally. Departing from the general practice abroad in some other respects, the Secretary ordered most of the money, after it was collected, to be paid over to several bank agents, and to be then kept as well as disbursed through them. Some of these were located near and some at a distance from the Treasurer; but they, as well as the collectors, till the money was paid over, were always regarded as representing him for this purpose, he keeing the money by them. They reported regularly to him, and acted under instructions from him and the Secretary of the Treasury.

Those fiscal agents at first consisted of the collectors of customs, the commissioner of the revenue, some bankers abroad, and three or four banking institutions at home. No receivers of money from the sales of public lands were then in existence. The method was to have the collectors to keep the money safely till it could be lodged in some bank situated near, which the Department should select, or till it could be transmitted to the Treasurer by some safe conveyance, or be paid out on drafts and bills drawn on them by the Department, or under its orders.

The number of banks thus selected and used before the first charter of the United States Bank is supposed to have

been only four, viz: the Bank of North America at Philadelphia, the Bank of New York, at New York, the Massachusetts Bank at Boston, and the Bank of Maryland at Baltimore.

No losses by defalcation or otherwise are known to have occurred under this method.

A second one was adopted in 1791, or early in 1792, by using the United States Bank and its branches, where situated conveniently, to hold a part of the deposites in common with the former four State banks, and such others as from time to time were considered useful for this purpose, and accordingly were added to the number. But there was no law nor any provision in its charter requiring this course to be pursued. In 1811, when its charter expired, that institution and its branches held only about two-thirds of the public money on deposite in banks.

The residue of the money so deposited appears to have been in the immediate custody of eleven State banks. (See report by the Secretary of the Treasury to House of Representatives, January 10, 1811, table C.)

Under the above method some losses occurred of the public money in the hands of collecting officers, before paid over on drafts or deposited in bank, or transmitted to the Treasurer.

But how much of this and similar defalcations occurred, and is properly chargeable on the safe keeping, and how much on the collection of the public money, cannot be discriminated on the books of the Department, and must be a matter of opinion.

It is not known that any loss happened during that period by the failure of any bank depository.

After the expiration of the charter of the first United States Bank, in 1811, more State institutions were employed, and the former system was thus modified, until the charter of a second United States Bank in 1816.

The losses under this system, from 1811 to 1817, were very inconsiderable, except by delays and depreciations from the suspension of specie payments. No direct losses from banks during that period appear on the records of the Treasury. The third method, adopted in 1816, and carried into effect in 1817, was the first specific one pointed out by law. The act of Congress incorporating the bank provided that the public money be placed in the Bank of the United States and its branches in places where any should be located, "unless the Secretary of the Treasury shall at any time otherwise order and direct."

It was left to be implied that, in other places, State banks might be employed, as had previously been done, when found convenient. But no express legislative direction to that effect was given, unless the provision be so considered which permitted the United States Bank, under the approbation of the Secretary of the Treasury, to select and use certain State banks instead of establishing branches. Accordingly, several of the old State banks were continued as public depositories, and several new ones were from time to time added, till 1833, when the deposites, under the power reserved to the Secretary of the Treasury in the charter of the United States Bank, were gradually removed from that institution and its branches to several State banks.

In the mean time, from 1816 to 1833, under the method then in use, some large losses occurred. They were chiefly by means of State banks, though some happened with collectors and receivers, while the money was in their custody. But, as before remarked, these last cannot be separately ascertained and discriminated from the losses in collecting, rather than keeping the revenue. The defalcations by the banks during that period, and which have not since been collected, amount to about $1,100,000, without computing interest, and without reckoning any incidental injuries by the suspension of specie payments, and by the use of a depreciated currency. (See supplemental report, December, 1834, by this Department to Congress, and table B B.)

From October, 1833, to July, 1836, a method was again adopted of using State banks almost exclusively, under the general provisions in the act of Congress of September 2, 1789.

During that period no losses are known to have occurred by banks, except on a deposite in the Bank of Alexandria, in this District, of $27,518. Of that sum, about $14,257 have since been paid, and most of the residue is supposed to be secure.

From June, 1836, to May, 1837, a similar method was pursued, except that its terms and conditions were specially regulated by an act of Congress, the provisions of which are well known to the House.

This last mode, as already reported to Congress at its present session, ceased, by operation of law, during the last spring, except in relation to five or six deposite banks, which have continued to redeem their notes in specie.

The direct losses sustained under it appear now to be large. But, in the end, as recently communicated to Congress, they are not considered as likely to amount to any thing, though the disappointments, delays, and injuries under it must, it is manifest, in several cases, be great. The indirect losses to the public creditors and contractors have been considerable, and are difficult to be computed.

Since last May the method adopted has been to use those six banks to the amount authorized under the act of June, 1836, and to resort, in conformity to the eighth section of that act, to the laws before in force, as a guide for keeping the residue.

As stated heretofore, those laws required the Treasurer merely to *keep* and *disburse* the public money; and the course has been since pursued of employing the collecting officers, subject to instructions from the Treasury and this Department, to keep the funds as safely as possible which they collect, till placed in one of those six banks, or drawn for expenditure, or till they can be transmitted to the Treasurer, or till Congress make new regulations on the subject. These officers either secure them in iron chests, safes, and vaults of their own, or place them in special deposite in the nearest bank, when the sums are very large, and their present means for the safe-keeping of them are inadequate.

No losses under this method have yet been reported or are supposed to have happened.

It must be obvious, from the above remarks, and the nature of the whole subject, that the statement of losses sustained under the different methods in use at different periods, has been confined to what is found on the Treasury books and returns, and hence to only the direct losses of the money on hand after it is placed in deposite.

The direct losses by receivers and others during the collection of the money, and during its continuance in their possession before paid over or deposited, constitute a distinct inquiry, as well as the direct losses by merchants on duty bonds, by former credits given to others on the sale of public lands, and by defaults of disbursing agents after the money has been once collected, deposited, and again paid out of the Treasury, and placed in their hands for the public claimants entitled to it. None of these seem included in the purview of the present resolution, and it would, if desired, require much labor and time to ascertain their respective amounts with any great degree of accuracy.

The indirect losses are likewise almost entirely conjectural. They are chiefly confined to bank depositories, and not being exhibited on the Treasury books, are not supposed to be embraced in the resolution. It must, however, be manifest that they have at times been large, in consequence of the suspension of specie payments by some of the banks, and of other circumstances adverted to in the sup-

plemental report from this Department in 1834, on the keeping and disbursing of the public money.

Respectfully, LEVI WOODBURY,
*Secretary of the Treasury.*

To the Hon. JAMES K. POLK,
*Speaker of the House of Reps.*

## DEPOSITE BANKS.

*Letter from the Secretary of the Treasury, (in obedience to a resolution of the House of Representatives of 14th September,) transmitting information in relation to the transfers and payments of the instalments to the States; the condition of the deposite banks; and respecting Treasury drafts protested for non-payment of specie, &c. September 26, 1837, read and laid upon the table.*

TREASURY DEPARTMENT, *September* 25, 1837.

SIR: This report is submitted in compliance with the following resolutions, passed on the 14th instant:

"*Resolved*, That the Secretary of the Treasury communicate to this House all the orders issued and correspondence with the several deposite banks, in reference to the transfers and payments of the several instalments due to the State governments under the deposite act of 23d of June, 1836.

"*Resolved*, That he communicate to this House the monthly statements of the condition of the deposite banks, from the 1st day of January last to the present time.

"*Resolved*, That he communicate a statement of each draft, and in whose favor drawn, upon which specie was demanded, and protested for non-payment by any deposite bank; also, each State government which has made a demand of specie and not paid, and the time when."

In relation to the first inquiry, copies of all the orders issued and correspondence had with the several deposite banks, in reference to the transfers and payments of the several instalments to the State governments under the deposite act, are annexed, (A to N inclusive, with their respective numbers, and O 1 to 4.) This includes all the orders of every kind, but generally only the correspondence with the several deposite banks on which these orders were given. That is supposed to be what was desired, and not the correspondence with the State authorities and others. Great care has been used to communicate the whole with the banks, though in selecting so many hundreds of orders and letters some may by accident have been omitted.

In reply to the second inquiry, for the "monthly statements of the condition of the deposite banks from the 1st of January last to the present time," I would observe that the returns are made semi-monthly, and during the period mentioned, equal near fifteen hundred in number. They are, likewise, in many cases long, and so much time and labor would be required for copying them, or even half of the whole number, as to postpone an answer to the call for several weeks. But, since last November, statements have been compiled in this Department periodically, about every three months, from the semi-monthly returns, copies of which may be useful as substitutes for those desired, and are herewith presented, (P Nos. 1 to 5.) If these do not, on examination, furnish all the information requested, the Department will proceed to have the semi-monthly statements copied as soon as practicable, consistent with the pressure of other business, or will send up the originals immediately if preferred.

In compliance with the third and last request in the resolution, a statement is annexed of all drafts, and in whose favor drawn, on deposite banks, which have been reported to this Department as protested by the holders for non-payment in specie, (O Nos. 1, 5, 6, and 7.)

No drafts are known to have been "protested for non-payment by any deposite bank," if it be meant by this expression that such bank procured the protest to be made. Nor is it known that any State government has itself made a demand of specie which has not been paid, though this has been done by some of its assignees. As mentioned in my report to Congress on the finances, several transfers in favor of States had not then been receipted to the Treasury, and payment acknowledged. On the contrary, the Department had received notice that some of the transfers were in possession of the Bank of the United States chartered by Pennsylvania, and that specie for them had been demanded by that bank of the depositories on which they were drawn, and not being so paid, a protest had been made, and notice sent to this Department. A schedule of these may be seen in a note to O No. 2. One on the Merchant's Bank is represented by its president to be held under protest by the United States Bank. Notice has likewise been given to the Department of another draft, in favor of the State of Virginia, on one of its own institutions, viz: the Farmers' Bank, for about $117,000, which has been demanded in specie by another of its institutions, viz: the Exchange Bank, and not being so paid, it is stated to have been transferred to the United States Bank of Pennsylvania, (K 8,) but no protest on it has yet been received.

Respectfully,
LEVI WOODBURY,
*Secretary of the Treasury.*

HON. JAMES K. POLK,
*Speaker of the House of Representatives*

*List of Documents.*

A 1 and 2. Notices sent by the Secretary of the Treasury to the several deposite banks holding puplic money, with regard to the amounts they would probably be respectively required to deposite with the several States

B. Notices to banks advising them of the actual issue of State transfer drafts upon them for their respective proportions of deposites to be made with the States, accompanied with the necessary forms.

C 1, 2, 3. Letters received from and addressed to banks in the State of Maine respecting deposites with States.

D 1, 2. Letters addressed to banks in Massachusetts respecting deposites with States.

E 1, 2, 3. Letters addressed to and received from banks in Connecticut respecting deposites with States.

F 1, 2, 3. Letters received from and addressed to banks in Rhode Island respecting deposites with States.

G 1, 2, 3, 4, 5, 6, 7. Letters received from and addressed to the Mechanics' Bank, New York, respecting deposites with States.

G 8, 9. Letters addressed to and received from the Bank of America on the same subject.

G 10, 11, Letters received from and addressed to the Brooklyn Bank on the same subject.

G 12, 13, 14, 15, 16. Letters from and to the Merchants' Bank, New York, on the same subject.

G 17, 18, 19, 20. Letters from and to the National Bank, New York, on the same subject.

G 21. Letter from the Manhattan Company, in reply to the notice of issue of transfer draft in favor of the State of Tennessee, being all the special correspondence with that bank on the subject of deposites with States.

G 22, 23, 24, 25, 26, 27, 28, 29. Letters to and from the Commercial Bank of Buffalo respecting deposites with States.

H 1, 2, 3, 4, 5. Letters from and to banks in the State of New Jersey respecting deposites with States.

I. Letter from Bank in the State of Delaware relative to deposites with States.

K 1, 2, 3, 4, 5, 6, 7, 8, 9, 10. Letters to and from banks in Virginia relative to deposites with States.

L 1, 2. Letters to and from banks in Georgia relative to deposites with States.

M 1, 2, 3, 4, 5, 6, 7, 8, 9. Letters to and from banks in Mississippi and Tennessee respecting deposites with States.

N 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16. Letters to and from banks in Kentucky, Ohio, and Indiana, relative to deposites with States.

O 1. Report of the Treasurer upon that portion of the resolution which relates to his duties.

2. Statement of protested State transfer.

3. Statement of State transfers issued to the several States in execution of the deposite law.

4. Correspondence with the Treasurer relative to State transfers.

5. Statement of discredited drafts issued on Treasury warrants.

6. Statement of discredited drafts issued on War warrants.

7. Statement of discredited drafts issued on Navy warrants.

P 1. Referring to statement of condition of deposite banks 1st November, 1836.

2. Statement of condition of deposite banks 1st March, 1837.

3. Statement of condition of deposite banks 1st May, 1837.

4. Statement of do. do. do. 1st July, 1837.

5. Reference to statement of condition of deposite banks 15th August 1837.

A 1.

TREASURY DEPARTMENT, *Nov.* 1, 1836.

SIR: It is deemed proper and useful thus early to apprize the bank over which you preside, that, in a few days after the first day of January next, (provided the State of Maine shall then have passed a law accepting the deposite, and if not, as soon afterwards as a law shall be passed,) a transfer draft will probably be drawn on it by this Department for about the sum of $45,000. It will be made payable forthwith to the authorized agent of said State, the money to be kept in deposite on behalf of the United States. This transfer will be followed on the 1st of April, July, and October next, by other drafts of similar amount, and payable to the same agent, unless, in the mean time, a different notice is given by this Department.

When the transfer drafts are forwarded to you, the precise amount will be ascertained and specified therein, and the form enclosed of such duplicate receipts as are to be taken by you of the agent, and one of them returned here as a voucher of your payment.

I am, very respectfully, &c.

LEVI WOODBURY,

*Secretary of the Treasury.*

PRESIDENT *Maine Bank, Portland Me.*

A similar letter was transmitted, at the above date, to the presidents of the following banks, respectively, stating that about the sums set against them would be required to be paid to the States specified, viz:

| Bank. | Amount. | To State. | At what time |
|---|---|---|---|
| Maine Bank | $15,000 | Maine. | Jan. 1, 1837. |
| Bank of Cumberland | 30,000 | do | do |
| Granite Bank, Augusta | 20,000 | do | do |
| People's Bank, Bangor | 10,000 | do | do |
| York Bank, Saco | 10,000 | do | do |
| Merchants' Bank, Boston | 70,000 | do | do |
| Commonwealth Bank, Boston | 25,000 | do | do |
| Fulton Bank, do | 30,000 | do | do |
| Hancock Bank, do | 30,000 | do | do |
| Franklin Bank, do | 10,000 | do | do |
| Phenix Bank, Charlestown | 10,000 | do | do |
| Commercial Bank, Portsmouth | 20,000 | New Hamp. | do |
| New Hampshire Bank, Portsmouth | 25,000 | do | do |
| Piscataqua Bank, do | 50,000 | do | do |
| Portsmouth Bank, do | 18,000 | do | do |
| Merrimack Bank, Concord | 18,000 | do | do |
| Mechanics' Bank, do | 10,000 | do | do |
| Merchants' Bank, Boston | 25,000 | do | do |

LIST—continued.

| State. | Amount. | To State. | At what time |
|---|---|---|---|
| Commonwealth Bank, Boston | 10,000 | New Hamp. | Jan. 1, 1837. |
| Fulton Bank, do | 10,000 | do | do |
| Hancock Bank, do | 10,000 | do | do |
| Franklin Bank, do | 5,000 | do | do |
| Mearchants' Bank, do | 200,000 | Mass. | do |
| Commonwealth Bank, do | 50,000 | do | do |
| Fulton Bank, do | 60,000 | do | do |
| Hancock Bank, do | 60,000 | do | do |
| Franklin Bank, do | 15,000 | do | do |
| Phœnix Bank, Charlestown | 15,000 | do | do |
| Arcade Bank, Providence | 70,000 | Rhode Isl'nd | do |
| R. Island Union Bank, Newport | 45,000 | do | do |
| Farmers' & Mech. B'k, Hartford | 95,000 | Connecticut | do |
| Mechanics' Bank New Haven | 100,000 | do | do |
| Quinebaug Bank | 30,000 | do | do |
| Bank of Burlington | 30,000 | Vermont | do |
| Bank of Windsor | 20,000 | do | do |
| Bank of Troy, New York | 10,000 | do | do |
| Tradesmen's Bank, New York | 15,000 | do | do |
| Union Bank, do | 25,000 | do | do |
| Lafayette Bank, do | 25,000 | do | do |
| Seventh Ward Bank, do | 30,000 | do | do |
| Merchants' Bank, do | 20,000 | do | do |
| Phenix Bank, do | 15,000 | do | do |
| Merchants' Exch'nge B'k, N. Y. | 10,000 | do | do |
| Merchants' & Farm. B'k, Albany | 80,000 | New York | do |
| Manhattan Company, N. York | 150,000 | do | do |
| Bank of America, do | 150,000 | do | do |
| Mechanics' Bank, do | 150,000 | do | do |
| Seventh Ward Bank, do | 50,000 | do | do |
| Phœnix Bank, do | 125,000 | do | do |
| Leather Manufactur's' B'k, N. Y. | 75,000 | do | do |
| Merchants' Bank, New York | 150,000 | do | do |
| Union Bank, do | 100,000 | do | do |
| National Bank, do | 75,000 | do | do |
| Bank of Troy, do | 30,000 | do | do |
| Dry Dock Bank, do | 25,000 | do | do |
| Merchants' Exch'nge B'k, N. Y. | 45,000 | do | do |
| Trenton Banking Company | 30,000 | New Jersey | do |
| (c) State Bank at Newark | 40,000 | do | do |
| State Bank at Elizabeth | 40,000 | do | do |
| Tradesmen's Bank, New York | 30,000 | do | do |
| Lafayette Bank, do | 25,000 | do | do |
| Merchants' Bank, do | 50,000 | do | do |
| Girard Bank, Philadelphia | 700,000 | Penn. | do |
| Moyamensing Bank, do | 50,000 | do | do |
| Merchants and Manufacturers' Bank, Pittsburg | 100,000 | do | do |
| B'k of Brandywine, Wilmington | 25,000 | Delaware. | do |
| Bank of Delaware, do | 20,000 | do | do |
| Phœnix Bank, New York | 45,000 | do | do |
| Union Bank of Maryland | 200,000 | Maryland. | do |
| Franklin Bank, Baltimore | 90,000 | do | do |
| Bank of Virginia | 650,000 | Virginia. | do |
| Bank of State of North Carolina | 200,000 | N. Carolina. | do |
| Phœnix Bank, New York | 75,000 | do | do |
| Merchants' Exch'nge B'k, N. Y. | 50,000 | do | do |
| Leather Manufactu'rs' B'k, N. Y. | 25,000 | do | do |
| Girard Bank, Philadelphia | 75,000 | do | do |
| Planters and Mechanics' Bank | 150,000 | S Carolina. | do |
| Bank of Charleston, S. Carolina | 160,000 | do | do |
| Planters' Bank of Georgia | 100,000 | Georgia. | do |
| Bank of Augusta | 200,000 | do | do |
| Bank of the State of Ala., Mo. | 225,000 | Alabama. | do |
| Planters' Bank of Mississippi | 120,000 | Mississippi. | do |
| Union Bank of Louisiana | 100,000 | Louisiana. | do |
| Commercial Bank of N. Orleans | 50,000 | do | do |
| Union Bank of Tennessee | 200,000 | Tennessee. | do |
| Planters' Bank of Tennessee | 150,000 | do | do |
| Agricultural Bank of Mississippi | 100,000 | do | do |
| Northern Bank of Kentucky | 300,000 | Kentucky. | do |
| Bank of Kentucky | 130,000 | do | do |
| Commercial Bank of Cincinnati | 100,000 | Ohio. | do |
| Franklin Bank of Cincinnati | 200,000 | do | do |
| Clinton Bank of Columbus | 100,000 | do | do |
| Franklin Bank of Columbus | 150,000 | do | do |
| Commercial Bank of Lake Erie, Cleveland | 50,000 | do | do |
| (a) State Bank of Indiana | 250,000 | Indiana. | do |
| (b) Commerc'l B'k of Cincinnati | 80,000 | Illinois. | do |
| (a) State Bank of Indiana | 50,000 | do | do |
| Illinois Bank of Shawneetown | 150,000 | do | do |
| (b) Commerc'l B'k of Cincinnati | 75,000 | Missouri. | do |
| (a) State Bank of Indiana | 50,000 | do | do |
| Planters' Bank of Mississippi | 50,000 | Arkansas | do |
| Agricultural Bank of Mississippi | 50,000 | do | do |

P. S. (a) The transfer draft will be directed to such branch or branches as you may seasonably request of this Department, and when a sufficient amount of deposites exists.

P. S. (b) The transfer draft will be directed to the agency at St. Louis, unless you shall seasonably request that it be made upon your bank directly.

(c) In the notice to the State Bank at Newark the words "similar amount," referring to subsequent State transfers, were omitted.

A 2.

Treasury Department, *February* 18, 1837.

Sir: It is deemed proper, for the convenience of all concerned, to apprize you thus seasonably, that a transfer draft, payable on demand, will be ordered to be issued upon the bank over which you preside, in favor of the State of Maine, on the 1st of April next, for about the sum of $70,000, to be deposited with that State, agreeably to the provisions of the deposite act; and that drafts for a similar amount will be issued for the instalments payable to said State on the 1st day of July and October next, unless in the mean time another notice shall be given you by this Department. I am, &c.

LEVI WOODBURY.

To President *of the Bank of Cumberland, Maine.*

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Notices similar in form to the above were sent to the following banks at the dates and for the sums set against them respectively:

*February* 18, 1837.

| | |
|---|---|
| People's Bank, Bangor, Maine | $21,000 |
| York Bank, Saco, Maine | 21,000 |
| Mercantile Bank, Bangor | 20,000 |
| New Hampshire Bank, Portsmouth | 33,000 |
| Pitcataqua Bank | 63,000 |
| Portsmouth Bank | 19,000 |
| Merrimack Co. Bank, Concord | 20,000 |
| Mechanics' Bank | 19,000 |

*February* 23, 1837.

| | |
|---|---|
| Insurance Bank, Columbus, Georgia | 30,000 |
| Commercial Bank, Lake Erie, at Cleveland | 60,000 |
| Bank of Wooster | 40,000 |
| Bank of Cleveland | 40,000 |
| Bank of Chillicothe | 80,000 |
| Union Bank of New York | 100,000 |
| Farmers' Bank of Virginia, Richmond | 200,000 |
| National Bank, New York | 75,000 |
| Bank of Virginia, Richmond | 350,000 |
| Brooklyn Bank, New York | 30,000 |
| Commercial Bank, Buffalo | 30,000 |
| Louisville Savings Institution, Louisville, Kentucky | 10,000 |

B.

Treasury Department *January* 3, 1837.

Sir: A transfer draft has been directed upon your bank for the sum of thirty thousand dollars, payable to the State of Vermont, being in part payment of the amount to be deposited with that State under the provisions of the "act to regulate the deposites of the public money," approved 23d June, 1836.

Enclosed herewith is the form of the receipt which, on your payment of the draft, will be executed in duplicate by the agent of that State for this purpose, and who is the Treasurer of the State.

One of these duplicates you are requested to transmit to this Department, the other to the Treasurer of the United States.

I am, sir, very respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Treasury.*

To the Cashier *of the Bank of Burlington, Vermont.*

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*Form of a receipt by a State.*

Whereas, by the 13th section of an act of Congress of the United States, entitled "An act to regulate the deposites of the public money," approved the 23d of June, 1836, it was enacted "that the money which shall be in the Treasury of the United States on the 1st day of January, 1837, reserving the sum of five millions of dollars, shall be deposited with such of the several States, in proportion to their respective representation in the Senate and House of Representatives of the United States, as shall by law authorize their treasurer, or the competent authorities, to receive the same, on the terms hereafter specified; and the Secretary of the Treasury shall deliver the same to such treasurer, or other competent authorities, on receiving certificates of deposite therefor, signed by such competent authorities, in such form as may be prescribed by the Secretary aforesaid."

And whereas, the State of has, by an act of its Legislature, passed on the day of , one thousand eight hundred and thirty , authorized and directed the of the said State to receive its proportional share of the said surplus moneys of the United States on deposite with the said State, upon the terms specified in the said act of Congress:

And whereas the Secretary of the Treasury, in pursuance of the provisions of the said act of Congress, and in conformity with the provisions of the said act of the Legislature of the State of , has delivered to the thereof the sum of dollars and cents, the same being part of the first instalment, or one-fourth part of the ratable proportion of the said State in the surplus money in the Treasury on the 1st day of January, 1837:

Now, therefore, be it known, that I, do hereby certify that the said sum of dollars and cents has been deposited by the Secretary of the Treasury with the State of , and that, for the safe-keeping and repayment of the same to the United States, in conformity to said act of Congress, the State of is legally bound, and its faith is solemnly pledged. And in pursuance of the authority of the act of the Legislature aforesaid, for and in behalf of the said State, I hereby affix my signature and seal in testimony of the premises, and of the faith of the said State to pay the said money so deposited, and every part thereof, from time to time, whenever the same shall be required by the Secretary of the Treasury, for the purposes, and in the manner and proportions set forth and described in the said recited 13th section of the act of Congress aforesaid, and by a requisition or notice similar in form to that hereto annexed, addressed to the care of the Governor of said State.

Signed and sealed this day of , one thousand eight hundred and thirty .

Attest:

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*The form of a requisition or notice for repayment will be substantially as follows:*

Treasury Department,
183 .

*To the State of*

Under the provisions of an act of Congress entitled "An act to regulate the deposites of the public money," passed June 23d, 1836, and an act of said State passed , certain sums of money belonging to the United States having been deposited with the State aforesaid for safe-keeping and repayment, in conformity with the provisions of said act, said State is hereby notified that a portion of said money, viz. the sum of $ , is required to be repaid to the United States by the State aforesaid, for the purposes named in said act, and in conformity with its provisions.

*Secretary of the Treasury.*

*Care of his Excellency,*
*Governor of said State.*

[The repayment of the said sum to the Treasurer of the United States will be in one of the following modes, which this Department may in any particular case prefer and direct, viz:

1. By a request annexed to the above requisition to place the same to the credit of said Treasurer in the Bank

of , at , on or before the day of next, and to take duplicate receipts therefor; one of which receipts sent to the said Treasurer will be a sufficient voucher for the amount of said repayment on the part of said State.

2. Or, by a request written by said Secretary on the back of a common Treasury warrant, directed to the State for payment by said Treasurer, that said State would pay the same; and which warrant, with a receipt of payment thereon, will be a sufficient voucher as aforesaid.]

Letters similar to the foregoing were sent to the following banks, designating in each case the State officer authorized to give receipts for the money. In the letters respecting the payment of the second and third instalments, the form of the receipt was varied so as to express the number of the instalment.

## LIST OF LETTERS.

| Date of letter. | Name of bank. | Amount. | When payable. | State to which payable. | Number of the instalment. |
|---|---|---|---|---|---|
| 1837. | | | | | |
| January 3 | Bank of Burlington - - - | $30,000 00 | On demand | Vermont - | Part of the first. |
| 3 | Bank of Windsor - - - | 20,000 00 | Do. | Do. | Do. |
| 6 | Tradesman's Bank, New York - | 18,000 00 | Do. | Do. | Do. |
| 6 | Bank of Troy - - - | 15,000 00 | Do. | Do. | Do. |
| 6 | Union Bank, New York | 28,000 00 | Do. | Do. | Do. |
| 6 | Seventh Ward Bank, do. - | 35,000 00 | Do. | Do. | Do. |
| 6 | Merchants' Bank do. - | 25,000 00 | Do. | Do. | Do. |
| 6 | Phœnix Bank, do. - | 37,028 93 | Do. | Do. | Do. |
| 6 | Merchants' Exchange Bank, do. - | 15,000 00 | Do. | Do. | Do. |
| March 15 | Bank of Burlington - - - | 30,000 00 | April 1 | Do. | Part of the second. |
| 15 | Band of Windsor - - - | 20,000 00 | Do. | Do. | Do. |
| 15 | Troy Bank, - - - | 15,000 00 | Do. | Do. | Do. |
| 15 | Tradesman's Bank, New York | 18,000 00 | Do. | Do. | Do. |
| 15 | Union Bank, do. - | 28,000 00 | Do. | Do. | Do. |
| 15 | Seventh Ward Bank, do. - | 35,000 00 | Do. | Do. | Do. |
| 15 | Merchants' Bank, do. - | 25,000 00 | Do. | Do. | Do. |
| 15 | Phœnix Bank, do. - | 37,028 93 | Do. | Do. | Do. |
| 15 | Merchants' Exchange Bank, do. - | 15,000 00 | Do. | Do. | Do. |
| June 6 | Bank of Burlington - - - | 40,000 00 | July 1 | Do. | Part of the third. |
| 6 | Bank of Windsor - - - | 10,000 00 | Do. | Do. | Do. |
| 6 | Troy Bank, New York | 15,000 00 | Do. | Do. | Do. |
| 6 | Tradesman's Bank do. - | 18,000 00 | Do. | Do. | Do. |
| 6 | Union Bank, do. - | 28,000 00 | Do. | Do. | Do. |
| 6 | Seventh Ward Bank, do. - | 35,000 00 | Do. | Do. | Do. |
| 6 | Merchants' Bank, do. - | 25,000 00 | Do. | Do. | Do. |
| 6 | Phœnix Bank, do. - | 37,028 93 | Do. | Do. | Do. |
| 6 | Merchant's Exchange Bank, do. - | 15,000 00 | Do. | Do. | Do. |
| February 1 | Maine Bank, Portland - | 50,612 75 | On demand | Maine - | Part of the first. |
| 1 | Bank of Cumberland, do. - | 35,000 00 | Do. | Do. | Do. |
| 1 | Granite Bank, Augusta - - | 23,000 00 | Do. | Do. | Do. |
| 1 | People's Bank, Bangor - - | 12,000 00 | Do. | Do. | Do. |
| 1 | York Bank, Saco - - - | 12,000 00 | Do. | Do. | Do. |
| 1 | Merchants' Bank, Boston - | 75,000 00 | Do. | Do. | Do. |
| 1 | Commonwealth Bank, do. - | 28,000 00 | Do. | Do. | Do. |
| 1 | Fulton Bank do. - | 32,000 00 | Do. | Do. | Do. |
| 1 | Hancock Bank, do. - | 31,000 00 | Do. | Do. | Do. |
| 1 | Franklin Bank, do. - | 10,000 00 | Do. | Do. | Do. |
| 1 | Phœnix Bank, Charlestown, Mass. - | 10,000 00 | Do. | Do. | Do. |
| March 14 | Maine Bank, Portland - | 50,612 75 | April 1 | Do. | Part of the second. |
| 14 | Bank of Cumberland, do. - | 70,000 00 | Do. | Do. | Do. |
| 14 | Granite Bank, Augusta - - | 25,000 00 | Do. | Do. | Do. |
| 14 | People's Bank, Bangor - - | 21,000 00 | Do. | Do. | Do. |
| 14 | York Bank, Saco - - - | 21,000 00 | Do. | Do. | Do. |
| 14 | Merchants' Bank, Boston - | 50,000 00 | Do. | Do. | Do. |
| 14 | Commonwealth Bank, do. - | 30,000 00 | Do. | Do. | Do. |
| 14 | Fulton Bank, do. - | 10,000 00 | Do. | Do. | Do. |
| 14 | Hancock Bank, do. - | 10,000 00 | Do. | Do. | Do. |
| 14 | Phœnix Bank, Charlestown, Mass. - | 5,000 00 | Do. | Do. | Do. |
| 14 | Mercantile Bank, Bangor - - | 20,000 00 | Do. | Do. | Do. |
| 14 | Franklin Bank, Boston - - | 6,000 00 | Do. | Do. | Do. |
| June 5 | Maine Bank, Portland - | 75,000 00 | July 1 | Do. | Part of the third. |
| 5 | Bank of Cumberland, do. - | 95,000 00 | Do. | Do. | Do. |
| 5 | Granite Bank, Augusta - - | 50,000 00 | Do. | Do. | Do. |
| 5 | People's Bank, Bangor - - | 33,612 75 | Do. | Do. | Do. |
| 5 | York Bank, Saco - - - | 35,000 00 | Do. | Do. | Do. |
| 5 | Mercantile Bank, Bangor - - | 30,000 00 | Do. | Do. | Do. |

LIST—Continued.

| Date of letter. | Name of bank. | Amount. | When payable. | State to which payable. | Number of the instalment. |
|---|---|---|---|---|---|
| 1837. | | | | | |
| January 24 | Commercial Bank, Portsmouth - | 23,028 93 | On demand | N. Hampshire | Part of the first. |
| 24 | New Hampshire Bank, do. - | 28,000 00 | Do. | Do. | Do. |
| 24 | Piscataqua Bank, do. - | 60,000 00 | Do. | Do. | Do. |
| 24 | Portsmouth Bank, New Hampshire - | 18,000 00 | Do. | Do. | Do. |
| 24 | Merrimack Company's B'k, Concord | 18,000 00 | Do. | Do. | Do. |
| 24 | Mechanics' Bank, do. - | 12,000 00 | Do. | Do. | Do. |
| 24 | Merchants' Bank, Boston - | 29,000 00 | Do. | Do. | Do. |
| 24 | Commonwealth Bank, do. - | 10,000 00 | Do. | Do. | Do. |
| 24 | Fulton Bank, do. - | 10,000 00 | Do, | Do. | Do. |
| 24 | Hancock Bank, do. - | 10,000 00 | Do. | Do. | Do. |
| 24 | Franklin Bank, do. - | 5,000 00 | Do. | Do. | Do. |
| March 14 | Commercial Bank, Portsmouth - | 23,028 93 | April 1 | Do. | Part of the second. |
| 14 | New Hampshire Bank, Portsmouth - | 33,000 00 | Do. | Do. | Do. |
| 14 | Piscataqua Bank, do. - | 63,090 00 | Do. | Do. | Do. |
| 14 | Portsmouth Bank, do. - | 19,000 00 | Do. | Do. | Do. |
| 14 | Merrimack Company's B'k, Concord | 20,000 00 | Do. | Do. | Do. |
| 14 | Mechanics' Bank, do. - | 19,000 00 | Do. | Do. | Do. |
| 14 | Merchants' Bank, Boston - | 26,000 00 | Do. | Do. | Do. |
| 14 | Commonwealth Bank, do. - | 10,000 00 | Do. | Do. | Do. |
| 14 | Fulton Bank, do. - | 5,000 00 | Do. | Do. | Do. |
| 14 | Hancock Bank, do. - | 5,000 00 | Do. | Do. | Do. |
| June 5 | Commercial Bank, Portsmouth - | 30,028 93 | July 1 | Do. | Part of the third. |
| 5 | New Hampshire Bank, do. - | 55,000 00 | Do. | Do. | Do. |
| 5 | Piscataqua Bank, do. - | 100,000 00 | Do. | Do. | Do. |
| 5 | Portsmouth Bank, do. - | 23,000 00 | Do. | Do. | Do. |
| 5 | Merrimack Company's B'k, Concord | 5,000 00 | Do. | Do. | Do. |
| 5 | Mechanics' Bank, do. - | 10,000 00 | Do. | Do. | Do. |
| January 24 | Merchants' Bank, Boston - | 226,057 86 | On demand | Massachusetts | Part of the first. |
| 24 | Commonwealth Bank, do. - | 55,000 00 | Do. | Do. | Do. |
| 24 | Fulton Bank, do. - | 65,000 00 | Do. | Do. | Do. |
| 24 | Hancock Bank, do. - | 65,000 00 | Do. | Do. | Do. |
| 24 | Franklin Bank, do. - | 17,500 00 | Do. | Do. | Do. |
| 24 | Phœnix Bank, Charlestown, Mass. - | 17,500 00 | Do. | Do. | Do. |
| March 7 | Merchants' Bank, Boston - | 226,057 84 | April 1 | Do. | Part of the second. |
| 7 | Commonwealth Bank, do. - | 55,000 00 | Do. | Do. | Do. |
| 7 | Fulton Bank, do. - | 65,000 00 | Do. | Do. | Do. |
| 7 | Hancock Bank, do. - | 65,000 00 | Do. | Do. | Do. |
| 7 | Franklin Bank, do. - | 17,500 00 | Do. | Do. | Do. |
| 7 | Phœnix Bank, Charlestown, Mass. - | 17,500 00 | Do. | Do. | Do. |
| June 6 | Do. do. do. - | 17,000 00 | July 1 | Do. | Part of the third. |
| 6 | Merchants' Bank, Boston - | 150,000 00 | Do. | Do. | Do. |
| 6 | Commonwealth Bank, do. - | 78,057 86 | Do. | Do. | Do. |
| 6 | Fulton Bank, do. - - | 110,000 00 | Do. | Do. | Do. |
| 6 | Hancock Bank, do. - - | 55,000 00 | Do. | Do. | Do. |
| 6 | Franklin Bank, do. - - | 36,000 00 | Do. | Do. | Do. |
| January 6 | Arcade Bank, Providence - - | 78,445 10 | On demand | Rhode Island | Part of the first. |
| 6 | Rhode Island Union Bank, Newport | 49,000 00 | Do. | Do. | Do. |
| March 7 | Arcade Bank - - - | 78,445 10 | April 1 | Do. | Part of the second. |
| 7 | Rhode Island Union Bank, - - | 49,000 00 | Do. | Do. | Do. |
| June 6 | Bank of America, New York - | 50,000 00 | July 1 | Do. | Part of the third. |
| 6 | Arcade Bank, Providence - - | 67,445 10 | Do. | Do. | Do. |
| 6 | Rhode Island Union Bank, Newport | 10,000 00 | Do. | Do. | Do. |
| January 6 | Mechanics' Bank, New Haven - | 120,000 00 | On demand | Connecticut | Part of the first. |
| 6 | Quinebaug Bank, Norwich - | 35,000 00 | Do. | Do. | Do. |
| 6 | Farmers and Mechanics' B'k, Hartford | 99,890 20 | Do. | Do. | Do. |
| March 14 | do. do. do. | 59,890 20 | April 1 | Do. | Part of the second. |
| 14 | Mechanics' Bank, New Haven - | 100,000 00 | Do. | Do. | Do. |
| 14 | Quinebaug Bank, Norwich - | 20,000 00 | Do. | Do. | Do. |
| 14 | Lafayette Bank, New York - | 15,000 00 | Do. | Do. | Do. |
| 14 | Bank of America, do. - | 20,000 00 | Do. | Do. | Do. |
| 14 | Manhattan Company, do. - | 20,000 00 | Do. | Do. | Do. |
| 14 | Mechanics' Bank, do. - | 20,000 00 | Do. | Do. | Do. |
| June 16 | do. do. do. - | 20,000 00 | July 1 | Do. | Part of the third. |
| 16 | Manhattan Company, do. - | 20,000 00 | Do. | Do. | Do. |
| 16 | Mechanics' Bank, New Haven - | 150,000 00 | Do. | Do. | Do. |
| 17 | Quinebaug Bank, Norwich - | 25,000 00 | Do. | Do. | Do. |

LIST—Continued.

| Date of letter. | Name of bank. | Amount. | When payable. | State to which payable. | Number of the instalment. |
|---|---|---|---|---|---|
| 1837. | | | | | |
| June 17 | Bank of America, New York - | 24,890 20 | July 1 | Connecticut | Part of the third. |
| 17 | Lafayette Bank, do. - | 15,000 00 | Do. | Do. | Do. |
| January 16 | Mechanics and Farmers' B'k, Albany | 80,000 00 | On demand | New York | Part of the first. |
| 16 | Manhattan Company, New York | 180,000 00 | Do. | Do. | Do. |
| 16 | Bank of America, do. - | 180,000 00 | Do. | Do. | Do. |
| 16 | Mechanics' Bank, do. - | 200,000 00 | Do. | Do. | Do. |
| 16 | Seventh Ward Bank, do. - | 53,173 57 | Do. | Do. | Do. |
| 16 | Phenix Bank, do. - | 130,000 00 | Do. | Do. | Do. |
| 16 | Leather Manufacturers' Bank, do. - | 85,000 00 | Do. | Do. | Do. |
| 16 | Merchants' Bank, do. - | 155,000 00 | Do. | Do. | Do. |
| 16 | Union Bank, do. - | 105,000 00 | Do. | Do. | Do. |
| 16 | National Bank, do. - | 75,000 00 | Do. | Do. | Do. |
| 16 | Bank of Troy, Troy - - | 25,000 00 | Do. | Do. | Do. |
| 16 | Merchants' Exchange Bank, N. Y. | 45,000 00 | Do. | Do. | Do. |
| 16 | Dry Dock Bank, do. | 25,000 00 | Do. | Do. | Do. |
| March 15 | Mechanics and Farmers' B'k, Albany | 80,000 00 | April 1 | Do. | Part of the second. |
| 15 | Manhattan Company, New York | 180,000 00 | Do. | Do. | Do. |
| 15 | Bank of America, do. - | 180,000 00 | Do. | Do. | Do. |
| 15 | Mechanics' Bank, do. - | 200,000 00 | Do. | Do. | Do. |
| 15 | Seventh Ward Bank, do. - | 53,173 57 | Do. | Do. | Do. |
| 15 | Phenix Bank, do. - | 70,000 00 | Do. | Do. | Do. |
| 15 | Leather Manufacturers' Bank, do. - | 85,000 00 | Do. | Do. | Do. |
| 15 | Merchants' Bank, do. - | 155,000 00 | Do. | Do. | Do. |
| 15 | Union Bank, do. - | 105,000 00 | Do. | Do. | Do. |
| 15 | National Bank, do. - | 75,000 00 | Do. | Do. | Do. |
| 15 | Troy Bank, Troy - - - | 25,000 00 | Do. | Do. | Do. |
| 15 | Dry Dock Bank, New York | 25,000 00 | Do. | Do. | Do. |
| 15 | Merchants' Exchange Bank, do. | 45,000 00 | Do. | Do. | Do. |
| 15 | Brooklyn Bank - - - | 30,000 00 | Do. | Do. | Do. |
| 15 | Commercial Bank of Buffalo - | 30,000 00 | Do. | Do. | Do. |
| June 14 | Bank of America, New York | 300,000 00 | July 1 | Do. | Part of the third. |
| 14 | Seventh Ward Bank, do. - | 53,173 57 | Do. | Do. | Do. |
| 14 | Lafayette Bank, do. - | 40,000 00 | Do. | Do. | Do. |
| 14 | Leather Manufacturers' Bank, do. - | 80,000 00 | Do. | Do. | Do. |
| 14 | Merchants' Bank, do. - | 100,000 00 | Do. | Do. | Do. |
| 14 | Union Bank, do. - | 75,000 00 | Do. | Do. | Do. |
| 14 | National Bank, do. - | 75,000 00 | Do. | Do. | Do. |
| 14 | Dry Dock Bank, do. - | 40,000 00 | Do. | Do. | Do. |
| 14 | Merchants' Exchange Bank, do. - | 25,000 00 | Do. | Do. | Do. |
| 14 | Commercial Bank of Buffalo - | 40,000 00 | Do. | Do. | Do. |
| 20 | Mechanics' Bank, New York - | 270,000 00 | Do. | Do. | Do. |
| 20 | Manhattan Company, do. - | 240,000 00 | Do. | Do. | Do. |
| January 6 | Trenton Banking Company - | 35,000 00 | On demand | New Jersey | Part of the first. |
| 6 | State Bank, Newark - - | 45,000 00 | Do. | Do. | Do. |
| 6 | Do. Elizabeth - - | 45,000 00 | Do. | Do. | Do. |
| 6 | Lafayette Bank, New York - | 28,000 00 | Do. | Do. | Do. |
| 6 | Tradesman's Bank, do. - | 35,000 00 | Do. | Do. | Do. |
| 6 | Merchants' do. do. - | 66,890 20 | Do. | Do. | Do. |
| March 15 | Trenton Banking Company - | 25,000 00 | April 1 | Do. | Part of the second. |
| 15 | State Bank, Newark - - | 85,000 00 | Do. | Do. | Do. |
| 15 | Do. Elizabeth - - | 35,000 00 | Do. | Do. | Do. |
| 15 | Lafayette Bank, New York - | 28,000 00 | Do. | Do. | Do. |
| 15 | Merchants' Bank, do. - | 44,890 20 | Do. | Do. | Do. |
| 15 | Tradesman's Bank, do. - | 35,000 00 | Do. | Do. | Do. |
| June 12 | Do. do. do. - | 25,000 00 | July 1 | Do. | Part of the third. |
| 12 | Merchants' Bank, do. - | 44,890 20 | Do. | Do. | Do. |
| 12 | Lafayette Bank, do. - | 20,000 00 | Do. | Do. | Do. |
| 12 | Trenton Banking Company - | 35,000 00 | Do. | Do. | Do. |
| 12 | State Bank, Newark - - | 85,000 00 | Do. | Do. | Do. |
| 12 | Do. Elizabeth - - | 45,000 00 | Do. | Do. | Do. |
| January 4 | Girard Bank, Philadelphia - - | 750,000 00 | On demand | Pennsylvania. | Part of the first. |
| 4 | Moyamensing Bank, do. - - | 80,838 26 | Do. | Do. | Do. |
| 4 | Merchants & Manufacturers', Pittsb'g. | 125,000 00 | Do. | Do. | Do. |
| March 15 | Do. do. do. | 125,000 00 | April 1 | Do. | Part of the second |
| 15 | Girard Bank, Philadelphia - - | 750,000 00 | Do. | Do. | Do. |
| 15 | Moyamensing Bank, do. - - | 80,838 24 | Do. | Do. | Do. |

LIST—Continued.

| Date of letter. | Name of bank | Amount. | When payable. | State to which payable | Number of the instalment. |
|---|---|---|---|---|---|
| 1837. | | | | | |
| June 14 | Commercial Bank, Cincinnati, - | 150,000 00 | July 1 | Pennsylvania. | Part of the third. |
| 14 | Merchants & Manufacturers', Pittsb'g | 150,000 00 | Do. | Do. | Do. |
| 14 | Girard Bank, Philadelphia - - | 680,838 26 | Do. | Do. | Do. |
| January 28 | B'k of Wilmington and Brandywine | 27,000 00 | On demand | Delaware | Part of the first. |
| 28 | Bank of Delaware, Wilmington - | 22,583 83 | Do. | Do. | Do. |
| 28 | Phœnix Bank, New York - - | 44,000 00 | Do. | Do. | Do. |
| March 15 | Do. do. - - | 46,000 00 | April 1 | Do. | Part of the second. |
| 15 | Bank of Wilmington, Brandywine - | 27,000 00 | Do. | Do. | Do. |
| 15 | Bank of Delaware - - - | 22,583 83 | Do. | Do. | Do. |
| June 12 | Do. - - - | 22,583 83 | July 1 | Do. | Part of the third. |
| 12 | Bank of Wilmington and Delaware | 36,000 00 | Do. | Do. | Do. |
| 12 | Phœnix Bank, New York - - | 37,000 00 | Do. | Do. | Do. |
| January 4 | Union Bank of Maryland - - | 220,000 00 | On demand | Maryland | Part of the first. |
| 4 | Franklin Bank, Baltimore - - | 98,612 75 | Do. | Do. | Do. |
| March 16 | Do. do. - - | 98,612 75 | April 1 | Do. | Part of the second. |
| 16 | Union Bank of Maryland - - | 220,000 00 | Do. | Do. | Do. |
| June 12 | Do. do. - - | 220,000 00 | July 1 | Do. | Part of the third. |
| 12 | Franklin Bank of Baltimore - | 98,612 75 | Do. | Do. | Do. |
| January 5 | Bank of Virginia, Richmond - | 532,809 33 | On demand | Virginia | Part of the first. |
| 5 | Branch of do. Norfolk - - | 200,000 00 | Do. | Do. | Do. |
| March 16 | Bank of Virginia - - - | 357,809 33 | April 1 | Do. | Part of the second. |
| 16 | Farmers' Bank of Virginia - - | 200,000 00 | Do. | Do. | Do. |
| 16 | Union Bank, New York - - | 100,000 00 | Do. | Do. | Do. |
| 16 | National Bank, do. - - | 75,000 00 | Do. | Do. | Do. |
| May 2 | Union Bank, do. - - | 100,000 00 | July 1 | Do. | Part of the third. |
| 2 | Girard Bank, Philadelphia - - | 57,000 00 | Do. | Do. | Do. |
| 30 | Mechanics' Bank, New York - | 40,000 00 | Do. | Do. | Do. |
| 30 | National Bank, do. - | 60,000 00 | Do. | Do. | Do. |
| 30 | Bank of Kentucky, Louisville - | 135,000 00 | Do. | Do. | Do. |
| 30 | Branch of Northern Bank of Kentucky, Louisville - - | 140,809 33 | Do. | Do. | Do. |
| 30 | Farmers' Bank of Virginia - - | 200,000 00 | Do. | Do. | Do. |
| June 19 | Bank of State of North Carolina - | 230,000 00 | On demand | North Carolina | Part of the first. |
| 19 | Phœnix Bank, New York - - | 80,000 00 | Do. | Do. | Do. |
| 19 | Merchants' Exchange Bank, N. York | 55,000 00 | Do. | Do. | Do. |
| 19 | Leather Manufacturers' Bank, do. | 28,000 00 | Do. | Do. | Do. |
| 19 | Girard Bank, Philadelphia - - | 84,919 13 | Do. | Do. | Do. |
| March 14 | Do. do. - - | 84,919 13 | April 1 | Do. | Part of the second. |
| 14 | Bank of State of North Carolina - | 230,000 00 | Do. | Do. | Do. |
| 14 | Phœnix Bank, New York | 80,000 00 | Do. | Do. | Do. |
| 14 | Merchants' Bank, do. - | 55,000 00 | Do. | Do. | Do. |
| 14 | Leather Manufacturers' Bank, do. - | 28,000 00 | Do. | Do. | Do. |
| June 2 | Do. do. do. - | 28,000 00 | July 1 | Do. | Part of the third. |
| 2 | Bank of State of North Carolina - | 300,000 00 | Do. | Do. | Do. |
| 2 | Phœnix Bank, New York | 80,000 00 | Do. | Do. | Do. |
| 2 | Merchants' Exchange Bank, do. - | 50,000 00 | Do. | Do. | Do. |
| 2 | Girard Bank, Philadelphia - - | 19,919 13 | Do. | Do. | Do. |
| January 6 | Planters and Mechanics' Charleston - | 170,000 00 | On demand | South Carolina | Part of the first. |
| 6 | Bank of Charleston - - - | 180,474 03 | Do. | Do. | Do. |
| March 14 | Do. do. - - | 180,474 03 | April 1 | Do. | Part of the second. |
| 14 | Planters and Mechanics' - - | 170,000 00 | Do. | Do. | Do. |
| June 2 | Do. do. - - | 200,000 00 | July 1 | Do. | Part of the third. |
| 2 | Mechanics' Bank, New York - | 600,000 00 | Do. | Do. | Do. |
| 2 | Girard Bank, Philadelphia - - | 50,474 03 | Do. | Do. | Do. |
| 2 | Merchants' Bank, New York - | 40,000 00 | Do. | Do. | Do. |
| 4 | Planters' Bank, Savannah - - | 125,000 00 | On demand | Georgia - | Part of the first. |
| 4 | Bank of Augusta, Georgia - - | 225,474 03 | Do. | Do. | Do. |
| March 14 | Do. do. - - | 210,474 03 | April 1 | Do. | Part of the second. |
| 14 | Planters' Bank Savannah - - | 110,000 00 | Do. | Do. | Do. |
| 14 | Insurance Bank, Columbus - - | 30,000 00 | Do. | Do. | Do. |
| June 2 | Planters' Bank Savannah - - | 100,000 00 | July 1 | Do. | Part of the third. |
| 2 | Bank of Augusta - - - | 100,000 00 | Do. | Do. | Do. |
| 2 | Bank of America, New York - | 50,000 00 | Do. | Do. | Do. |
| 2 | Manhattan Company do. - - | 50,000 00 | Do. | Do. | Do. |
| 2 | Mechanics' Bank, do. - - | 50,474 03 | Do. | Do. | Do. |
| January 10 | Branch of State B'k of Ala' Mobile - | 223,028 93 | On demand | Alabama - | The first. |

LIST—Continued.

| Date of letter. | Name of bank. | Amount. | When payable. | State to which payable. | Number of the instalment. |
|---|---|---|---|---|---|
| 1837. | | | | | |
| March 11 | Br. of State Bank of Ala. Mobile - | $223,028 93 | April 1 | Alabama - | The second. |
| May 31 | Do. do. - - | 223,028 93 | July 1 | Do. | The third. |
| April 13 | Union Bank of Louisiana - - | 200,000 00 | On demand | Louisiana - | Part of first & sec. |
| 13 | Commercial Bank of New Orleans - | 118,612 76 | Do. | Do. | Do. |
| May 30 | Do. do. - - | 59,306 38 | July 1 | Do. | Part of the third |
| 30 | Union Bank of Louisiana - - | 100,000 00 | Do. | Do. | Do. |
| 20 | Planters' Bank, Natchez - - | 127,445 10 | On demand | Mississippi - | The first. |
| 20 | Agricultural Bank, do. - - | 127,445 10 | Do. | Do. | The second. |
| 31 | Do. do. - - | 127,445 10 | July 1 | Do. | The third. |
| January 5 | Agricultural Bank of Mississippi - | 125,000 00 | On demand | Tennessee - | Part of the first. |
| 5 | Union Bank of Tennessee - - | 202,919 13 | Do. | Do. | Do. |
| 5 | Planters' Bank of Tennessee - | 150,000 00 | Do. | Do. | Do. |
| March 13 | Union Bank of Tennessee - - | 202,919 13 | April 1 | Do. | Part of the second. |
| 13 | Planters' Bank of Tennessee - | 150,000 00 | Do. | Do. | Do. |
| June 3 | Bank of Kentucky, Louisville - | 37,500 00 | On demand | Do. | Do. |
| 3 | Commercial Bank of Cincinnati - | 37,500 00 | Do. | Do. | Do. |
| 3 | Manhattan Company, New York - | 50,000 00 | Do. | Do. | Do. |
| 3 | Union Bank of Tennessee - - | 300,000 00 | July 1 | Do. | Part of the third. |
| 3 | Planters' Bank of Tennessee - | 177,919 13 | Do. | Do. | Do. |
| January 6 | Bank of Kentucky, Louisville - | 157,919 13 | On demand | Kentucky - | Part of the first. |
| 6 | Branch of Northern Bank Kentucky | 320,000 00 | Do. | Do. | Do. |
| March 13 | Do. do. - - | 320,000 00 | April 1 | Do. | Part of the second. |
| 13 | Bank of Kentucky - - - | 157,919 13 | Do. | Do. | Do. |
| May 31 | Do. do. - - | 277,919 13 | July 1 | Do. | Part of the third. |
| 31 | Northern Bank of K'y, Lexington - | 100,000 00 | Do. | Do. | Do. |
| 31 | Branch of do. Louisville - | 100,000 00 | Do. | Do. | Do. |
| January 5 | Commercial Bank of Cincinnati - | 123,000 00 | On demand | Ohio - | Part of the first. |
| 5 | Franklin Bank, do. - - | 200,000 00 | Do. | Do. | Do. |
| 5 | Clinton Bank, Columbus - - | 123,090 00 | Do. | Do. | Do. |
| 5 | Franklin Bank, do. - - | 173,086 78 | Do. | Do. | Do. |
| 5 | Commercial Bank, L. Erie Cleveland | 50,000 00 | Do. | Do. | Do. |
| March 13 | Commercial Bank of Cincinnati - | 125,000 00 | April 1 | Do | Part of the second. |
| 13 | Franklin Bank, do. - - | 130,000 00 | Do. | Do. | Do. |
| 13 | Clinton Bank, Columbus - - | 50,000 00 | Do. | Do. | Do. |
| 13 | Franklin Bank, do. - - | 144,086 78 | Do. | Do. | Do. |
| 13 | Commercial Bank L. Erie, Cleveland | 60,000 00 | Do. | Do. | Do. |
| 13 | Bank of Wooster - - - | 40,000 00 | Do. | Do. | Do. |
| 13 | Bank of Cleveland - - - | 40,000 00 | Do. | Do. | Do. |
| 13 | Bank of Chillicothe - - | 80,000 00 | Do. | Do. | Do. |
| May 31 | Commercial Bank of Cincinnati - | 125,000 00 | July 1 | Do. | Part of the third. |
| 31 | Franklin Bank, do. - - | 170,000 00 | Do. | Do. | Do. |
| 31 | Franklin Bank, Columbus - - | 125,000 00 | Do. | Do. | Do. |
| 31 | Clinton Bank, do. - - | 96,458 13 | Do. | Do. | Do. |
| 31 | Commercial Bank of Lake Erie - | 60,000 00 | Do. | Do. | Do. |
| 31 | Bank of Cleveland - - - | 52,628 47 | Do. | Do. | Do. |
| 31 | Bank of Wooster - - - | 40,000 00 | Do. | Do. | Do. |
| January 5 | Branch of State Bank of Indiana, Lawrenceburg - - - | 95,583 33 | On demand | Indiana - | Part of the first. |
| 5 | Do. do. do. Madison - | 95,583 83 | Do. | Do. | Do. |
| 5 | Do. do. do. New Albany - | 95,583 83 | Do. | Do. | Do. |
| March 13 | Do. do. do. Lawrenceburg | 95,583 83 | April 1 | Do. | Part of the second. |
| 13 | Do. do. do. Madison - | 95,583 83 | Do. | Do. | Do. |
| 13 | Do. do. do. New Albany - | 95,583 83 | Do. | Do. | Do. |
| May 4 | Do. do. do. do. - | 95,583 83 | July 1 | Do. | Part of the third. |
| 4 | Do. do. do. Lawrenceburg | 63,430 63 | Do. | Do. | Do. |
| 4 | Do. do. do. Madison - | 127,737 02 | Do. | Do. | Do. |
| January 16 | Agency of Commercial Bank of Cincinnati, St. Louis - - | 80,000 00 | On demand | Illinois - | Part of the first. |
| 16 | Branch of State B'k of Ia. New Albany | 32,153 19 | Do. | Do. | Do. |
| 16 | Do. do. do. Madison - | 32,153 19 | Do. | Do. | Do. |
| 16 | Bank of Illinois, Shawneetown - | 15,000 00 | Do. | Do. | Do. |
| March 8 | Do. do. - - | 15,000 00 | April 1 | Do. | Part of the second. |
| 8 | Agency of Commercial Bank of Cincinnati, St. Louis - - | 80,000 00 | Do. | Do. | Do. |
| 8 | Branch of State B'k of Ia. New Albany | 33,153 19 | Do. | Do. | Do. |
| 8 | Do. do. do. Madison - | 32,153 19 | Do. | Do. | Do. |

LIST—Continued.

| Date of letter. | Name of bank. | Amount. | When payable. | State to which payable. | Number of the instalment. |
|---|---|---|---|---|---|
| 1837. | | | | | |
| May 4 | Bank of Illinois, Shawneetown - | $60,000 00 | July 1 | Illinois - | Part of the third. |
| 4 | Branch of State B'k of Ia. New Albany | 32,153 19 | Do. | Do. | Do. |
| 4 | Do. do. do. Lawrenceburg | 32,153 19 | Do. | Do. | Do. |
| 4 | Agency of Commercial Bank of Cincinnati, St. Louis - - | 35,000 00 | Do. | Do. | Do. |
| January 19 | Do. do. do. - - | 77,445 10 | On demand | Missouri - | Part of the first. |
| 19 | Branch of State B'k of Ia. Lawrenceb'g | 50,000 00 | Do. | Do. | Do. |
| 7 | Planters' Bank, Natchez - - | 45,583 83 | Do. | Arkansas - | Do. |
| March 8 | Do. do. - - | 45,583 83 | April 1 | Do. | Part of the second. |
| May 30 | Do. do. - - | 50,000 00 | July 1 | Do. | Part of the third. |
| 30 | Agricultural Bank, Natchez - | 45,583 83 | Do. | Do. | Do. |
| June 7 | Commercial Bank, New Orleans - | 34,000 00 | On demand | Do. | Part of 1st & 2d. |
| 7 | Bank of Kentucky, Louisville - | 33,000 00 | Do. | Do. | Do. |
| 7 | Commercial Bank of Cincinnati - | 33,000 00 | Do. | Do. | Do. |
| January 27 | Bank of Michigan - - - | 50,000 00 | Do. | Michigan - | Part of the first. |
| 27 | Farmers and Mechanics' B'k of Mich. | 25,383 83 | Do. | Do. | Do. |
| 27 | Bank of River Raisin - - | 20,000 00 | Do. | Do. | Do. |
| March 7 | Bank of Michigan - - - | 50,000 00 | April 1 | Do. | Part of the second. |
| 7 | Farmers and Mechanics' B'k of Mich. | 25,383 83 | Do. | Do. | Do. |
| 7 | Bank of River Raisin - - | 20,000 00 | Do. | Do. | Do. |
| May 30 | Bank of Michigan - - - | 50,000 00 | July 1 | Do. | Part of the third. |
| 30 | Farmers and Mechanics' B'k of Mich. | 45,383 83 | Do. | Do. | Do. |
| July 15 | Bank of Michigan - - - | 600 00 | On demand | Do. | Part 1st, 2d, & 3d. |

*The drafts of which notice was given in the following letters, were afterwards recalled.*

| Date of letter. | Name of bank. | Amount. | When payable. | State to which payable. | No. of instalments. | Date of recall of drafts. |
|---|---|---|---|---|---|---|
| 1837. | | | | | | |
| January 6 | Agricultural Bank, Natchez - | $50,000 00 | On demand | Arkansas | Part of the first. | June 7 |
| March 8 | Do. do. - | 50,000 00 | April 1 | Do. | Part of the second. | 7 |
| March 13 | Do. do. - | 125,000 00 | Do. | Tennessee | Do. | 3 |
| May 2 | National Bank, New York - | 100,000 00 | July 1 | Virginia | Part of the third. | May 30 |
| June 14 | Manhattan Company, Do. - | 220,000 00 | Do. | New York | Do. | June 15 |
| 14 | Mechanics' Bank, Do. - | 230,000 00 | Do. | Do. | Do. | 15 |
| 14 | Bank of Brooklyn, Do. - | 60,000 00 | Do. | Do. | Do. | 15 |
| 16 | Bank of America, Do. - | 16,964 09 | Do. | Conn. | Do. | 17 |
| 16 | Quinebaug Bank, Norwich - | 47,926 11 | Do. | Do. | Do. | 17 |

The following postcripts were added to the letters:

To those respecting deposites with the State of New York:

"The receipt will be countersigned by the Comptroller of the State."

To the letter of June 17, to Bank of America, New York, respecting transfer of $24,890 20, to State of Connecticut:

"This transfer draft has been issued in place of one for $16,964 09, of which notice was given you by letter dated June 16, and which has been recalled."

To letter of June 17, to Quinebaug Bank, respecting transfer of $25,000 to State of Connecticut:

"This transfer draft has been issued in place of one for $47,926 11, of which notice was given you by letter dated June 16, and which has been recalled."

To letter to Mechanics' Bank, New York, of June 20, respecting transfer of $270,000, to State of New York:

"This draft has been issued in place of the draft for $230,000, of which notice was given you on the 14th instant."

To letter to Manhattan Company, New York, of June 20th, respecting transfer of $240,000 to State of New York:

"This draft has been issued in place of the draft for $220,000, of which notice was given you on the 14th instant."

To the letter of May 20th to the Agricultural Bank, Natchez, respecting transfer of $127,445 10 to the State of Mississippi:

"Information having been received that the transfer draft in favor of Tennessee, upon your bank, for the second instalment of deposite, has not been honored, the draft above described has been placed upon it."

To the letter of May 30th to the Northern Bank of Kentucky, respecting transfer of $140,809 33 to State of Virginia:

"The amount of this transfer draft to the State of Virginia will be deducted from the transfer heretofore ordered to the Bank of Virginia; or, that will be recalled to this extent, provided you find that the meeting of both of them in a satisfactory way is very inconvenient."

To the letter of May 30th to the Bank of Kentucky, Louisville, respecting transfer of $135,000 to the State of Virginia:

"The amount of this transfer draft to the State of Virginia will be deducted from the transfer heretofore ordered

to the Bank of Virginia, or the latter will be recalled to that extent, provided both of them are found to be very inconvenient to you."

To the letter of June 2d to Bank of America, respecting transfer of $50,000 to State of Georgia:

"This draft is issued in consequence of the recall of transfer drafts on your bank, issued in favor of banks in Georgia."

Similar postscript to letters of June 2d to Mechanics' Bank and Manhattan Company, New York, respecting tranfers to State of Georgia."

C 1.

BANGOR, MAINE, *June* 5, 1837.

SIR: At this eventful crisis, we feel it our duty to give you frequent information of what we are doing, who have the direction of the People's Bank; therefore we would say, in addition to a former communication, that we have not suspended, nor shall we suspend specie payment, unless the Treasury draft on us for $21,000, payable July 1st, should be exacted in gold and silver. If, however, we should, by dire necessity, be compelled to change our course, we shall immediately communicate the fact to the Treasury Department. We thank you for the courteous and encouraging sentiments expressed in your last, while we, with assurances of our greatest respect, would subscribe ourselves

Your obedient servants,

WM. D. WILLIAMSON,
*President People's Bank.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury Dep't U. S.*

C 2.

BANGOR, MAINE, *June* 10, 1837.

SIR: Having lately written to you, we should not address you again so soon, had not your communication of the 5th instant, received this morning, filled us with extreme anxiety; for by yours of 18th February last, the *People's Bank* were notified that $21,000 of the public money would be drawn for in favor of the State of Maine, to be paid on the 1st of July next; whereas, by this day's mail we are notified by the Treasury Department, that a transfer draft to this State of $33,612 75, payable that day, is directed upon this bank, the former sum being thus enlarged considerably more than one third, and yet all to be paid within thirty days, a shorter period, if we are correct, than the one mentioned in our contract; and a sum, too, not inconsiderable for a bank of our capital, especially in these times. We apprehend most assuredly that there must be, in the multiplicity of your avocations at this juncture, something *unintentional*; for by ours of May 17th and June 5th we informed you that we had determined not to suspend specie payments, that we had in vault and at command sufficient specie to redeem all our bills in circulation, that a large amount of our loans was on short paper, payable in Boston, and that we should probably be able to pay the next Treasury draft of $21,000 July 1st, in the usual course of business, paying out such money as we receive; and we respectfully inquired whether the draft for the sum last mentioned might not for a period be withholden or delayed, or some other relief or aid be conveniently afforded us in this emergency as to specie. In your encouraging reply, dated May 23d, you were pleased to approve highly of our "firmness and perseverance," and "heartily wish us success," assuring us the Treasury Department would at an early day apprize us of the course to be pursued as to to the transfers to this State, and adopt "measures as *favorable for our bank* as public duty will permit."

Now, the next communication from the Treasury Department, this day received, advises us, as before stated, that we must pay $33,612 75 instead of $21,000, and consequently, if we accept the draft, we must pay in such money as may be demanded. The State Treasurer will draw for it in favor of different towns, and in sums equal to their respective proportions, without mentioning any kind of money; and as gold and silver are the only constitutional tender, such will unquestionably be demanded, it being now at a high premium, and banks and individuals greatly wanting it. But specie cannot be procured, and therefore specie cannot possibly, to the amount of the draft, be paid. Must, then, the People's Bank, when it becomes due, suspend specie payments; after all its fortitude, its efforts, and its sacred regard for law and contract, honor and promptitude? Shall the prophetic surmises of foes be verified, and they tauntingly triumph over our well-timed exertions? Have we fought the good fight and kept the faith in vain? Or will it be no better for us, that we, in so good a cause, have stood firmer than others—this being the only deposite bank in all New England that has not suspended specie payments? Nor do we wish to be forced into that situation, by such suspension, which makes it the duty of the Secretary of the Treasury to call the public funds out of the People's Bank, which has alone, at considerable sacrifice, in supplying itself with specie, endeavored to sustain itself and the good policy of the administration. Nothing could have occurred more unexpectedly than the enlarged call on us at this crisis; for our paper on Boston, though undoubtedly good, is returning from day to day protested; every bill any one can get of ours is presented for specie, even change, and now this day, June 10th, we are directed to be ready to pay July 1st, $33,612 75 of $42,130 72, the whole of the Government's deposite in the People's Bank. It will thus be perceived that we are in an anticipated dilemma; therefore we would respectfully inquire, cannot another draft, to the amount of $10,000 or $15,000 be substituted for that of $33,612 75, or the latter be in part countermanded? Or, as we requested in ours of May 17th, may not the draft be withholden for a period? Or could not our bank have a Treasury draft for fifteen or twenty thousand dollars on some deposite banks that have suspended specie payments, or on some other receivers of the public money? In short, will the Secretary of the Treasury be pleased to extend to us the temporary relief, important in the present emergency, as it will, we believe, be consonant to the public good, and at the same time confer a favor on his unfeigned and abiding friends and obedient servants? In behalf of the directors of the People's Bank:

WM. D. WILLIAMSON, *President.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

C 3.

TREASURY DEPARTMENT, *June* 17, 1837.

SIR: I have to acknowledge the receipt of your letter of the 10th instant. In common with the proportion of all the other banks in Maine, that of the People's Bank was increased in the State transfers payable on the 1st July, in consequence of the non-execution of the outstanding transfer drafts from the South and West to Boston, and which reduced the deposites in that place so low as to render any considerable amount of transfer to Maine impossible. It was supposed that the State transfer upon your bank would be paid without inconvenience; but, upon your suggestion, that unless reduced, or a draft on Boston is furnished, its amount beyond the notice may interfere with your expectations and consequent arrangements, and is not satisfactory, I have directed the Treasurer to issue two transfer drafts in your favor on Boston for the amount of the difference between the sum you was originally notified to pay the State of Maine and the State transfer recently placed on your bank, payable on 1st July.

These transfers are on the Commonwealth and Fulton

Banks for $6,000 each, payable on demand, and will obviate the inconvenience of increasing your proportion of the State transfers beyond the notice.

I am, sir, very respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Treasury.*

W. D. Williamson, Esq.,
*President of the People's Bank, Bangor, Me.*

D 1.

Treasury Department, *June* 17, 1837.

Sir: To enable the People's Bank of Bangor to meet an excess in the amount of the State transfer draft beyond what it was originally notified to pay, I have directed a transfer in its favor for $6,000 upon your bank, payable on demand, which, I hope, will be met without inconvenience, as no State transfers for the July instalment will be place on your bank in favor of any State except Massachusetts.

I am, &c.,
LEVI WOODBURY,
*Secretary of the Treasury.*

Cashier *of the Fulton Bank, Boston, Mass.*

D 2.

Treasury Department, *June* 17, 1837.

Sir: In order to enable the People's Bank of Bangor to meet an excess in the amount of the State transfer draft placed upon it beyond its notice, I have directed a transfer for $6,000 upon your bank in its favor, payable on demand, which I hope will be met without inconvenience, as you will not pay any State transfers in July but to Massachusetts.

I am, &c.,
LEVI WOODBURY,
*Secretary of the Treasury.*

The Cashier *of the Commonwealth B'k, Boston, Mass.*

E 1.

Treasury Department, *June* 5, 1837.

Sir: I will thank you to inform me, at your earliest convenience, whether your bank will be prepared to execute a transfer of the balance of public money to the State of Connecticut on the 1st July next, as a portion of the deposite then to be made with that State, and whether that would not be the easiest and best mode of closing up our affairs.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Treasury.*

President *of the Quinebaug Bank,*
*Norwich, Conn.*

E 2.

Quinebaug Bank,
*Norwich, June* 10, 1837.

Sir: I forward our account with the Treasurer to this date. I have received your letter of the 5th instant, inquiring if this bank will be prepared to pay on the 1st July next the balance due the Treasurer of the United States.

I am instructed to say that, owing to the certainty of being deprived of the use of funds in July, by the failure of manufacturers and their factors in New York, it will be out of the power of this bank to meet your wishes; but we will endeavor to provide for a part of the balance. We should be obliged by having you draw for as small an amount as will consist with the convenience of the Treasury.

I am, very respectfully, your obedient servant,

F. A. PERKINS, *Cashier.*

Hon. Levi Woodbury,
*Secretary of the Treasury.*

E 3.

Treasury Department, *June* 17, 1837.

Sir: I have to acknowledge the receipt of your letter of the 10th instant, with its enclosure. After waiting what was deemed a reasonable period for a reply to my letter of the 5th instant, I had ordered a State transfer draft to be placed on you in favor of the State, for the balance in deposite with you, under the belief that the payments might be more conveniently made to the State of Connecticut than upon warrants in favor of public creditors. A different opinion being expressed in your letter, I have recalled the State transfer for the whole balance on deposite with you, and placed one instead for $25,000, which, from the tenor of your letter, you will doubtless meet with convenience and promptitude.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Treasury.*

F. A. Perkins, Esq.,
*Cashier Quinebaug Bank, Norwich, Conn.*

F 1.

Rhode Island Union Bank,
*Newport, (R. I.,) June* 3, 1837.

Sir: I beg leave to reply to that part of your circular letter of the 18th ultimo, addressed to the cashier of this bank, which relates to its future course in regard to the *remaining balance* ($38,362 98) of your deposites in it, which is now standing to the credit of the Treasurer of the United States. As only a few notes discounted by the bank will fall due in this month, and some of those must be renewed, it will be extremely inconvenient to the bank to pay a part of said balance before the middle of next month. And as you have drawn from time to time war warrants on the Rhode Island Union Bank, in favor of the Newport Exchange Bank, by which the money required to carry on the public works at Fort Adams has been obtained, and those warrants have been regularly paid, I take the liberty of proposing that three such warrants be drawn by you, each for a third part of said balance, viz: the 1st payable on the 15th July, 2d payable on the 15th August, 3d payable on the 15th September, 1837.

If, having in view the public interests and the accommodation of this bank, under existing circumstances, you should think it proper to do what is here respectfully suggested, arrangements will be made in season to pay the warrants proposed to be drawn by you.

The cashier of the Rhode Island Union Bank will continue to make, weekly, to the Treasury Department, regular returns of the state of the bank, so long as any money belonging to the United States shall remain deposited with it.

I am, respectfully, sir, your humble servant,

CHRIS. G. CHAMPLIN,
*President Rhode Island Union Bank.*

Hon. Levi Woodbury,
*Secretary of the Treasury.*

F 2.

Treasury Department, *June* 7, 1837.

Sir: In reply to your letter of the 3d instant, I have to assure you that this Department will endeavor to accommodate you with regard to the payment of the balance, after meeting the $10,000 to the State on the first of July, as you have heretofore notified, by gradual draft for the amount, as near your suggestions as the wants of the public service may justify.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Treasury.*

C. G. Champlin, Esq.,
*President of the Union Bank, Newport, R. I.*

F 3.

Rhode Island Union Bank,
*Newport, R. I., June* 12, 1837.

Sir: I have to acknowledge the receipt of your letter of the 7th instant, and I thank you for the assurance it con-

tains in regard to the balance that will be due from this bank to the Treasurer of the United States, after the transfer draft upon it for the sum of $10,000, payable to the State of Rhode Island on the 1st of July next, shall have been paid. And I now understand that a war warrant will be drawn on the Rhode Island Union Bank, in favor of the Newport Exchange Bank, for one-half of that balance, payable in August next; and that another such warrant will be drawn for the other half of said balance, payable in September next; and this bank will then be prepared to pay said warrants.

I am, very respectfully, your humble servant,

CHRIS. G. CHAMPLIN,

*President of Rhode Island Union Bank.*

Hon. LEVI WOODBURY.

P. S. June 13th.—The cashier of the Rhode Island Union Bank has this day received notice (from the Treasury Department) of a draft on this bank, payable to the Newport Exchange Bank, for $7,500.

G 1.

MECHANICS' BANK, *New York, March* 20, 1837.

SIR: I have the honor to enclose, herewith, our semi-monthly statement of the situation of the bank, together with a duplicate of the Treasurer's account current.

Our cashier has shown me your letter, advising of two further transfer drafts on us for $100,000 each, payable the 1st of the ensuing month. You will perceive we have paid during the past week nearly half a million of dollars on Government drafts, an amount that we could not possibly curtail from our discounts, during the existing unparalled pressure, without producing ruinous consequences to this community. We are, therefore, in debt, and subject to any specie drafts that may be made upon our city. Under these peculiar circumstances, if the period of payment of these drafts could be deferred, it would, I confidently believe, be of essential benefit, not only to the bank, but to the public.

I have the honor to be, very respectfully, sir, your obedient servant, JOHN FLEMING, *President.*

Hon. LEVI WOODBURY.

G 2.

TREASURY DEPARTMENT, *March* 23, 1837.

SIR: I have to acknowledge the receipt of your letter of the 20th instant, with its enclosures.

With regard to the letter from this Department to which you refer, without specifying its date, advising of two transfer drafts of $100,000, payable on the 1st of April, and requesting an extension of the period of payment, I have to state that the copy of that letter has not been found, and, before acting on your request, I must ask you to transmit a copy of the letter to which you refer.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,

*Secretary of the Treasury.*

J. FLEMING, Esq.,

*President Mechanics' Bank, New York.*

G 3.

MECHANICS' BANK, *New York, March* 24, 1837.

SIR: It must be apparent to every discreet and judicious observer that the pecuniary difficulties which for some time past have pressed heavily upon the community, are fast approaching a crisis. The present indications are of a character justly to excite the apprehensions of reflecting and prudent men. Feeling persuaded that you take a deep interest in whatever affects the financial concerns of this city, I take the liberty of addressing you at the present time.

The revulsions in commercial credit throughout Europe, as well as in this country, are well calculated to arrest the attention of all who are in anywise connected with the moneyed operations of the commercial cities. At home, the recent failures of eminent houses, largely engaged in exchange and money transactions, have necessarily created a deep and widely-pervading excitement in the public mind; and from abroad, the advices are of a character to increase rather than to allay the existing apprehensions. The rates of foreign exchange are such as to justify fears of a considerable export of coin, which, I may say, has already commenced. This fact, connected with the actual scarcity of means to accommodate the merchants in meeting their current business engagements, now falling due, render it an imperative duty on the part of the city banks to adopt every reasonable precaution to avert the threatened disasters. It is certainly the interest, and it would seem also to be the duty of the Government, so to administer its financial concerns as to sustain and foster the business interests of a community which is so closely connected with the national treasury.

The practice of past years of allowing the import income to accumulate, for the accommodation of those whose transactions had contributed so largely to the public revenue, was not found to be injurious in its operation, nor did it afford any just cause of dissatisfaction in other sections of the Union. So large an amount of domestic and foreign money transactions centre in this city, that most of the commercial and mercantile interests connected with the general business concerns of the country are intimately associated with our financial situation and prospects.

Our credits supply not only the imported products for consumption, but furnish also largely the facilities for realizing the vast amounts of our annual exports.

When the source of a business thus extensive and complicated becomes disordered, it cannot be difficult to predict the consequent effect upon the many streams which diverge from such a fountain.

It is under circumstances of deep responsibility, as one of the Government agents, intrusted, in a measure, with the management of the financial concerns of the Treasury, that I have presumed to trouble you at this important moment, and to solicit your intervention, so far as you may think the exigency requiries, in alleviating the present difficulties, and in averting, if possible, those menaced us in prospect.

I had the honor of addressing you on the 20th instant, requesting an extension of time with regard to the two drafts upon this bank, payable on the 1st proximo. In that communication a brief reference was made to the pecuniary embarrassments existing in this city; the difficulties then alluded to are daily increasing, and consequences serious and alarming, as well to individuals as to public institutions, force themselves in a strong point of view on the attention of all who are interested in the result.

With respect to the business and situation of this bank, it is proper to observe, that our transactions are with a larger number of dealers than those of any other city institution. In the management of our concerns we have studiously endeavored to accommodate the bond-payers to the utmost extent of our means, compatible with other claims. In doing so, we have necessarily been obliged to reduce, beyond our wishes, the amount of specie in our vaults. The drain of coin for ordinary business is constant, and to a very considerable extent. It is to be feared that some of the city banks are disposed to hoard their specie; the effect of which measure is, to throw the burden of the pressure unfairly upon others. We have paid of the Government funds, within the last fortnight, about eight hundred thousand dollars in Treasury drafts and warrants; the last of which, for one hundred thousand dollars, payment was demanded in specie, and we are now required to pay, in addition, two hundred thousand dollars on the first of the ensuing month.

I think myself justified, under existing circumstances, in making this appeal to you, sir, on behalf not only of our own institution, but of the community generally; and submit with entire and respectful confidence, whether a bank, thus situated, should be compelled at such a time of imminent emergency, still further to curtail its discounts in the proportion necessary to meet the impending demands. It cannot be done without materially increasing the present distress; and it is feared that the attempt will result in extensive bankruptcies. In such an event, it is not for me to suggest what may be the responsibilities resting upon the Government. I am satisfied that the proper disposition is not wanting to extend all the relief required.

I am particularly induced to represent these facts strongly, in consequence of a demand made upon us yesterday by the Union Bank of this city, for $50,000 in specie, upon the allegation that you had required them to increase their stock of coin. The suggestion to them was doubtless a judicious one, but it will hardly be contended that the mere transfer of coin from the vaults of one city bank to that of another, can add to the stability of the associated institutions, while the effect is to increase still further the pecuniary embarrassments. The specie basis, in the mean time, remains the same; and the practice of drawing at a time like the present is calculated to unsettle the good understanding between the banks; which, if becoming notorious, is very likely to excite unnecessary apprehensions in other quarters. This bank has, to the extent of its ability, contributed promptly to the assistance of other institutions, and will continue to act in the same spirit, asking in return only a just forbearance and reciprocal action on the part of its associates in the public service.

In conclusion, I take the liberty to suggest that, in addition to any aid which may be otherwise afforded, the action of the Government may greatly relieve and allay the existing excitement, and materially foster and encourage the commercial interests, by abstaining for as long a period as possible, from drawing upon the funds collected from the public revenue in this city. Should these drafts continue to any considerable amount, I am fearful that, in the necessity of protecting themselves, the banks will be compelled to contract their loans to an extent that must result in a ruinous bankruptcy, and heavy losses to the Government.

I beg you to excuse the liberty I have taken in writing thus plainly upon the subject in question. Its importance is my apology, and I shall feel greatly relieved from present apprehensions if it shall receive, at your hands, such action as seems to me to be imperatively called for.

May I ask to be favored with a reply as early as may comport with your convenience. I am, very respectfully, &c.

JOHN FLEMING, *President.*

The Hon. Levi Woodbury,
*Secretary of the Treasury*

G 4.

Mechanics' Bank, *New York, March* 25, 1837.

Sir: In writing to you hastily on the 20th instant, I made a mistake with regard to the drafts therein referred to: it was my intention to have referred to your letter of the 15th, which notified us of a transfer draft to the State of New York for two hundred thousand dollars.

I have the honor to be, very respectfully, sir, your obedient servant,

JOHN FLEMING, *President.*

The Hon. Levi Woodbury,
*Secretary of the Treasury.*

G 5.

Treasury Department, *March* 21, 1837.

Sir: In consequence of the request made in behalf of the institution over which you preside, for the extension of the period for the payment of the two transfer drafts referred to in your letter of the 20th instant, it may be useful to place distinctly before you the situation of the public money in the deposite banks somewhat more in detail than is usual in the current correspondence of this Department.

By the 13th section of the act of the 23d June last, the whole amount of public money remaining in the Treasury on the first of January, 1837, excepting five millions of dollars, was required to be withdrawn from the banks and placed in deposite with the several States in quarterly payments, the first of which was to be made immediately after the latter date. These quarterly payments amount to upwards of $9,367,000 upon each of the first days of January, April, July, and October, in order that the whole sum of $37,468,859 97 may be deposited with the States during the year, agreeably to the provisions of the law. These great and frequent payments will fully explain the indispensable necessity for the past and present, as well as future curtailment in many cases of the discounts heretofore made to the community by some of the deposite banks, and which curtailment, while regretted by many, and while regarded by you as productive of such unfavorable consequences, must generally be the inevitable result of the above act of Congress.

But no authority exists in any branch of the General Government, except Congress, to modify or delay the payments in question, onerous as they often must prove to the banks, or inconvenient as they must be to their customers. Congress, at its late session, though held since the law was passed, and its burdensome operation was in some degree experienced, not having thought proper to amend it, those deposite banks in which great sums of public money have been heretofore placed and loaned to accommodate the public, must now make, if they have not already made, the requisite preparation for meeting those large payments with punctuality. This course is due to their contracts with the Government and to the wishes of Congress; hence, it is hoped and believed that your bank, in common with the other public depositories, having, for more than nine months past, been apprized of the necessity for the repayment of the public funds in your custody, have not been unmindful of those preparations. But, at the same time, allow me to add that you may rest assured it will continue to be the policy of this Department to mitigate, whenever lawful, the existing embarrassment.

In consequence of this policy, the large excess of five millions of dollars over the equal proportion of the State of New York, has been allowed to remain so long in your city—a place, however, where, at the same time, it is proper to add that, from its great commerce, enterprise, and central position, both the collections and disbursements of the revenue are usually heavier than elsewhere, and a considerable portion of the surplus of the public funds is most available for public purposes. Nor will the Treasury Department hereafter depart from its previous course to direct no more or earlier transfers thence than are required to meet seasonably the heavy expenditures ordered at different points by the acts of Congress, and to prepare and discharge those quarterly payments in deposite to the States in a manner conformable to the laws now in force, and which are rendered inadmissible by their provisions.

It would fain do or suggest something more which might tend to lighten the existing pressure upon portions of the commercial community. But some palliations have been spoken of, which, if adopted, it is feared could not be very useful, except as ministering to an imaginary expectation of benefit, while they would expose the community to a real increase of the very evils under which it now labors, by affording a pretext or temptation to a dangerous addition to the discounts and issues of banks at a time when the returns here prove the important fact that those discounts

by the public depositories are now greater in the country, as a whole, and especially in the South and West, than they were in June last.

On the contrary, I am, with much regret, compelled to say that this Department cannot, with justice to your institution and the community, encourage a hope that any exemption very permanent or essential from some pecuniary difficulties can, through its agency, with its limited powers, be effected; while these vast collections and disbursements are in progress, and while several portions of the country are at the same time suffering under the consequences of having, during the preceding eighteen months, invested in public lands alone, besides numerous speculations in private lands, and which are yet chiefly dead capital, the enormous sum of over thirty millions of dollars beyond the usual purchases in that way; and, while our importations during only the last year have reached near one hundred and ninety millions, or the unexampled excess (independent of specie) of fifty millions more than our whole exports. This extraordinary balance, after deducting every thing reasonable for freights, profits, difference of valuation, and other causes, must still leave an amount of debt difficult to be discharged, either at home or abroad, and equally difficult to be postponed, while failures and embarrassments, caused by excesses in over-banking, overtrading, and speculation, shall continue to be, unfortunately, quite as great abroad as at home. Among the various projects which have been suggested for mitigation or relief, no remedies which are feasible, secure, and legal, appear to me so natural or so likely to be so effected in the existing condition of things, as those indulgences which the States, to whom the deposite payments are to be made, will be able afterwards to extend, and the resolute commencement and prosecution by all concerned, of the ordinary cure of such evils, in pecuniary affairs, by increasing economy in expenditures, and by banking less, trading less, and speculating less, till prices and business revert to their former standards and channels, and both proceed more on the safe basis of actual capital and the real wants of the community.

By a firm course of this kind, on the part of the discreet portion of the commercial world, with all that comity and forbearance to each other which the banks in the present exigency ought liberally to extend, so far as their own safety will permit, little doubt exists that many individuals will soon experience sensible relief, the urgent calls on the banks will speedily begin to lessen, and mutual confidence and a sound state of prosperity will be restored and long preserved.

The country still possesses every great element to ensure future wealth and happiness; and with the exercise of fortitude and moderation now, and of more foresight and prudence hereafter, on the subjects before mentioned, it will soon become extricated from those mercantile embarrassments, which, it is trusted, are only temporary, and will be able to increase its securities against their frequent occurrences.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Treasury.*

JOHN FLEMING, Esq.,
*President of the Mechanics' Bank, New York.*

G 6.

TREASURY DEPARTMENT, *March* 26, 1837.

SIR: I hasten to acknowledge the receipt of your letter of the 24th instant. Without waiting for a reply to my letter of the 23d instant, requesting a specification of the transfers referred to in yours of the 20th, I shall, to-morrow, direct the Treasurer to extend the time of payment of the transfer draft in favor of the Merchants' Bank for $50,000, payable on the 1st April, and that for $100,000, in favor of the National Bank, payable on the 15th of April. These appear to be all the transfer drafts in favor of banks in your city, which are outstanding upon your bank; and, in justice to the institutions in favor of which they were drawn, which may have shaped their business somewhat in view of these drafts, an extension of thirty days upon each is as much as seems to be proper.

You do this Department, in your letter, no more than justice, in attributing to it a deep interest in whatever affects the financial concerns of New York. Every thing in its power, consistent with law, will be most cheerfully done to sustain mercantile credit in your city. But with regard to your suggestions as to the curtailment of your loans, I find myself compelled to remark that your bank has been less called on to repay the public money in its custody, in proportion to the amount of its capital and its amount of public deposite, than any bank in your city. On the 14th instant, it appears to have had to the credit of the Treasurer of the United States more than two millions three hundred thousand dollars, being upwards of a million more than the Manhattan Company, an institution of similar capital, and upwards of half a million more than the Bank of America, which has an authorized actual capital of a million more than your bank, though in July last the amount of the public deposites was nearly the same in each. It appears from the returns of those banks that they have greatly and providently lessened their discount line in due season. It is, therefore, a matter of regret, after the experience of November last, that the requisite preparatory measures for meeting the payments required by law had not been efficiently adopted by all the deposite banks, if any of them be now suffering on that account. But, under the circumstances stated in your letter, I shall cheerfully extend to you all the relief which my duty will enable me to do. Besides postponing the payment of the transfer drafts mentioned in the former part of this letter, I will direct the warrant for $150,000, of which notice was given on the 13th instant for payment on account of the Chickasaw Indians, to be paid chiefly or entirely by some other bank. The other transfer drafts payable by your bank during the month of April, being for small sums, and in favor of banks in other places, are not particularized by you, and cannot be interfered with conveniently to those banks or consistently with other arrangements.

It is to be hoped that no time will be lost in placing the condition of your bank in such a posture as will enable it to meet promptly, and without inconvenience, the large payments, amounting to nearly the whole sum now on deposite on public account, which will probably be required between the present time and the 1st day of October next. For the general views of this Department on the present subject, I beg to refer you to my letter of the 24th instant, repeating the assurance of my willingness to do every thing in its power to support mercantile credit in your city.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Treasury.*

JOHN FLEMING, Esq.,
*President Mechanics' Bank, N. Y.*

G 7.

TREASURY DEPARTMENT, *March* 27, 1837.

SIR: I have to acknowledge the receipt this morning of yours of the 25th instant, referring to my letter of the 15th, (which notified you of the issue of a transfer draft for $200,000, in favor of the State of New York,) as describing the draft, the period of the payment of which you desired might be postponed by your letter of the 20th instant. In reply to that request, I have to state that the transfers to the several States at the commencement of each quarter of the present year are required by express law, and this Department has no power to postpone the period of their

taking effect. It would not be possible to withdraw the draft in question, and require its amount to be paid by other banks which have a less amount of public money on deposite, without drawing upon them too severely at the present time. Besides, it is understood that the State of New York does not immediately require the money transferred to it under the deposite act to be paid, but will grant indulgence if desired.

But you will have perceived, by my letter of yesterday, that this Department has directed the extension for thirty days of the transfer drafts on your bank, in favor of banks in your city, payable during the next month, to an amount nearly equal to that of the State transfer drafts referred to. This is going, I believe, quite as far as justice to the other deposite banks will allow, if you will permit me to advert to another fact as a strong evidence of the indulgent course adopted by the Department towards your institution. By the provisions of the act of June 23, 1836, no deposite bank is permitted to hold more than three-fourths of the amount of its capital stock on deposite. It became, of course, the imperious duty of this Department to place under transfer to banks which could legally hold it, the overplus beyond that proportion on deposite in the existing deposite banks, which proportion, in the case of your bank, is only $1,500,000. After the lapse of nearly nine months from the passage of this law, your bank still holds more than $800,000 beyond what it is entitled to. So far from its being possible, under this state of things, to afford you much further relief, it must be apparent, in view of the facts stated in my recent letters to you, that the sum now on deposite with you must, in due execution of the law, be ere long greatly diminished.

The transfers required to reduce the amount on deposite with your bank to the extent authorized by law to be held by it, were originally made prospective, so far as was believed requisite to enable you to curtail your operations, without serious inconvenience either to the commercial community or to yourselves. After the actual payment of the overplus held by your bank and required to be transferred by the deposite law, in order that the amount on deposite shall not exceed three-fourths of your capital, the payment of the residue will be deferred to the full extent of what seems to be justified by its provisions, and the exigencies of the public service, but will probably be gradually required to the amount of one-half or more between the present time and October next.

I am, sir, very respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Treasury.*

John Fleming, Esq.,
*President Mechanics' Bank New York.*

G 8.

Treasury Department, *June* 5, 1837.

Sir: As the State transfer drafts for the July instalment are now issuing, I will thank you to inform me whether you have any particular wish as to the amount to be deposited with the State of New York by your bank.

Very respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Treasury.*

George Newbold, Esq.,
*President of the Bank of America, New York.*

G 9.

Bank of America, *June* 7, 1837.

Sir: I have the pleasure to acknowledge the receipt of your favor of the 5th instant, and beg to inform you in reply, that we shall be pleased if the transfer draft on this bank bank in favor of the State of New York for the July instalment, shall be equal to at least $300,000; and if your own wishes shall prescribe a larger sum, say four or five hundred thousand dollars, it will be equally acceptable to us if the draft shall be made accordingly.

I beg leave to offer you my thanks for your communication, and have the honor to remain,

Very respectfully, your obedient servant,

GEORGE NEWBOLD, *President*

Hon. Levi Woodbury,
*Secretary of the Treasury, Washington.*

G 10.

Brooklyn, Bank,
*Brooklyn, June* 7, 1837.

Respected Sir: We shall be glad, if perfectly agreeable, to receive a draft for the amount it will take for us to pay over to the State of New York.

If agreeable to you, we shall be glad if you would instruct your agent, Mr. Robert Swartwout, to do his business with the Brooklyn Bank of Brooklyn, it being a specie-paying bank, and a depository of Government.

Any business that you may think proper to intrust us with shall be faithfully and carefully attended to.

I am, very respectfully, your obedient servant,

R. F. HICKS, *President.*

Hon. Levi Woodbury.

G 11.

Treasury Department, *June* 9, 1837.

Sir: I have to acknowledge the receipt of your letter of the 7th instant. The transfer drafts for the payment of the July instalment to the States are preparing, and will soon be forwarded.

All the public officers in and near New York having public funds in hand, and finding it convenient to do so, are required to deposite them in your bank by law, there being no other public depository at this time. I have addressed a letter to the collector of New York on the subject to-day as regards him.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Treasury.*

R. F. Hicks, Esq.,
*President of the Brooklyn Bank.*

G 12.

Merchant's Bank,
*New York, May* 15, 1837.

Sir: I enclose with this the account of this bank with the Treasurer at the end of the week just closed, showing no change in our balance of $392,100 03, due him.

I duly received your notice relative to the comparative amount of specie in our vaults and our circulation. The apparent issues of this bank were increased by the unfair conduct of some of the others, the Phœnix in particular, in retaining on hand our larger notes, and paying them out in lieu of their own when calls were made for specie. The actual circulation of the Merchants' Bank, after exchanges with the others, fluctuates between two hundred and two hundred and fifty thousand dollars. Measures were taken, on getting your notice, to increase our specie, as you might observe by our return of the 5th May: but that was of no avail when our depositors drew out their balances in specie. On the morning of the 10th this bank was left with only between fifty and sixty thousand dollars, while the other city bank stood indebted to the Merchants' Bank, after the exchanges, 322,000 dollars. Our indebtedness to the Treasurer was increased 50,000 on the 1st of May, by adding that amount to a large sum already due to us by the Mechanics' Bank.

Is there no mode whereby we can cancel a part of our indebtedness by making payment to the Treasuser in funds deposited at the South? To facilitate the business of the exchanges, this bank has opened accounts with various es-

tablishments in other States, at much inconvenience, but under the impression that it would meet the wishes of your Department. We have in Charleston, South Carolina, over 100,000 dollars, in Natchez, Mississippi, double that amount. Or will the Secretary allow us, on the 1st July, to pay over to the States their third instalment of surplus revenue? As to a payment in specie it appears quite impracticable now.

I am, sir, with much respect, your obedient servant,

JOHN J. PALMER, *President.*

To the Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

G 13.

MERCHANTS' BANK,
*New York, August* 18, 1837.

SIR: I enclose herewith a statement of the condition of this bank on the 14th, and another on the 28th July, with the balances due to and from other banks at these periods—being the documents omitted during my absence from the city.

I also enclose statements of the account with the Treasurer, presenting a balance due since, on the 12th August, of $63,698 52. The condition of this bank on the previous day will be forwarded to-morrow.

In a letter from the Treasurer, dated 7th August, we have a list of drafts directed to this bank, and unpaid, viz:

| |
|---|
| $10,000 00 |
| 10,000 00 |
| 30,000 00 |
| 1,198 52 |
| 12,500 00 |
| $63,698 52 |

He has omitted in this the State transfer draft, No. 276, to the State of South Carolina, for 40,000 dollars, for which we provided funds at Charleston, and directed them to be applied to its payment. But this draft, instead of being honored as directed, has to-day been presented for payment by the agent of the Bank of the United States, and remains in his hands under protest for non-payment in specie.

This is a dishonorable transaction on the part of the Bank of the State of South Carolina, or its officers; as you may observe by the document herewith, that this bank was then indebted to the Merchants' Bank 140,000 dollars.

I am, sir, with great respect, your obedient servant,

JOHN J. PALMER, *President.*

Hon LEVI WOODBURY,
*Secretary of the Treasury of the United States.*

G 14.

TREASURY DEPARTMENT, *August* 21, 1837.

SIR: I have to acknowledge the receipt this morning of your letter of the 18th instant, with its enclosures. With regard to the State transfer draft in favor of South Carolina, to which you refer as being unpaid, it was placed upon you, in accordance with the express request contained in your letter of the 15th May, in which you desired, for your own accommodation, to disburse funds in that State. Under these circumstances it is a matter of great surprise that it has not been provided for. This Department has not yet been notified of its non-payment from any quarter except your letter. Is it your wish that it be recalled, in case the notice be received, or do you propose to provide for its payment? It will be desirable to have as early an answer to this question as convenient.

I am, very respectfully, &c.

LEVI WOODBURY,
*Secretary of the Treasury.*

JOHN J. PALMER,
*President of Merchants' Bank, New York.*

G 15.

MERCHANTS' BANK,
*New York, August* 23, 1837.

SIR: I have received your letter of the 21st instant, on the subject of the transfer draft of forty thousand dollars to the State of South Carolina. You state your surprise that it was not provided for, as it was issued in accordance with my request contained in a letter of the 15th May. I refer you again to that letter. I there state that this bank had a balance due to it in Charleston of one hundred thousand dollars. This was the fund provided to meet the payment of your draft. That balance in the Bank of the State of South Carolina has not since been lessened, and was, on the 1st July, one hundred and thirty eight thousand dollars. I addressed two letters to the Comptroller General of that State, telling him that the funds to meet your draft were in the bank where South Carolina made her deposites. I requested the president of the bank to pay your draft, debit it to the Merchants' Bank, and transmit it to me. It appears that your draft was duly presented at the Bank of the State of South Carolina, and there honored; the amount being, I dare say, accounted for to the State. But the officers of the bank, instead of debiting its amount to the Merchants' Bank, as directed, and paying it out of their balance, thought proper to sell or transmit it to the Bank of the United States; and, in lieu of your transfer draft, to send us a draft for the same amount on the Bank of the United States. This was the transanction which I called dishonorable on the part of the bank at Charleston. Your draft, as I stated in my letter dated the 18th instant, was presented for payment here, and is held still, I suppose, by the Bank of the United States. I do not see, therefore, how you could withdraw it, as the State of South Carolina has received its amount, and the Bank of the United States has paid it. I may also remark, that the Treasurer has drawn for his balance in the Merchants' Bank without reference to the draft alluded to.

In my letter of the 15th May I express some anxiety to decrease our indebtedness to the Treasurer. That anxiety has never diminished; but, as I there remarked, a payment in specie seemed impracticable then, and equally so now.

I am, sir, with great respect, your obedient servant,

JOHN J. PALMER, *President.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

G 16.

TREASURY DEPARTMENT, *August* 25, 1837.

SIR: I have to acknowledge the receipt of your letter of the 23d instant. With regard to your suggestion, that the amount of the State transfer draft issued upon your bank in favor of South Carolina, for the purpose of placing a portion of the public money on deposite with you on deposite with that State, has been already paid to that State, no evidence of that fact has been communicated to this Department. Upon these drafts no indebtedness arises against the United States. This Department is required to deposite a certain proportion of the public money with the States; no money is drawn from the Treasury by the process. If, in the execution of the law, it becomes necessary to withdraw a draft placed upon a bank which declines or refuses to execute it, and issue a new one upon another bank, this Department possesses full power to do so; otherwise the execution of the law might be defeated by the default of a particular bank. With any private arrangement which may have been entered into between a bank employed by the State and the deposite bank upon which a draft may be placed, this Department has no concern; they must of course settle their own liabilities to each other between themselves. It is the imperative duty of this Department to endeavor to place the sum in question on deposite with

the State of South Carolina, and if your bank shall not be able to execute this transfer, it is desirable to be advised of the fact as soon as may be.

With regard to the issue of drafts upon your bank to an amount sufficient to absorb the balance standing to the credit of the Treasurer, independent of this transfer, no advice has been received of the payment of these drafts, and should your bank be able and inclined to meet the transfer, any overpayment which may be made by you upon the other drafts will be promptly refunded.

I am, sir, very respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Treasury.*

J. J. Palmer, Esq.
*President of the Merchants' Bank, New York.*

G 17.

National Bank, City of New York,
*February* 27, 1837.

Sir: By your letter of November 1st, 1836, you apprized this bank that a transfer draft for $75,000, payable soon after the first of January, 1837, to the authorized agent of the State of New York, (which draft has been accordingly paid,) would be followed on the 1st of April, July, and October next, by other drafts of similar amount, and payable to the same agent, unless in the mean time *a different notice* should be given by the Treasury Department. By your letter of the 23d instant, you apprize me that a transfer draft for seventy-five thousand dollars, in favor of the State of Virginia, payable on the 1st of April, will be issued on this bank, and that a draft for a similar amount will be iss ed for the instalments payable to said State on the first day of July and October next, unless, &c.

As I am not quite certain whether this last letter is intended as superseding the notice given by that of first of November, I pray you to have the goodness to inform me whether, according to the intentions of the Treasury Department, the several transfer drafts mentioned in the letter of the 23d instant, are meant to be substituted for or in addition to those mentioned in the letter of first of November.

I have the honor to be, very respectfully, sir, your obedient servant,

ALBERT GALLATIN,
*President National Bank.*

The Hon. Levi Woodbury,
*Secretary of the Treasury.*

G 18.

Treasury Department, *March* 2, 1837.

Sir: In reply to the inquiry contained in your letter of the 27th ultimo, received here this morning, I have to state that the proposed transfer to the State of Virginia, is *in addition* to that which will probably be ordered to the State of New York, agreeably to the notice of the 1st November last.

The amount of the subsequent transfers to the States of Virginia and New York will be regulated by the amount of your deposites on account of the Treasurer of the United States, compared with other deposite banks, so as to make the distribution as equitable and as little burdensome as possible.

I am, sir, very respectfully, your obedient servant.

LEVI WOODBURY,
*Secretary of the Treasury.*

Albert Gallatin, Esq.
*President of the National Bank.*

G 19.

National Bank, *New York*, *May* 31, 1837.

Sir: Your letter of the 18th instant to the cashier of this institution was duly received. The answer has been delayed longer than I did wish; but the various duties imposed on me by the embarrassments growing out of the lamentable suspension of specie payments, have been greater than my strength allowed me at once to perform.

Notwithstanding the demand for specie for exportation, caused by the unfavorable rate of foreign exchanges, the drain had been so far arrested that the specie of the eighteen safety-fund banks of this city, whose capital amounts to $16,611,200, and which amounted

| | | |
|---|---|---|
| On the 1st July, | 1636, to | $5,044,298, |
| On the 1st January, | 1837, to | 3,854,452, and |
| On the 10th April, | 1837, to | 2,633,690, |
| Was, on the 2d May, | 1837, | 2,595,361, |

showing a diminution of less than forty thousand dollars during the three critical weeks preceding the last mentioned date. Measures had been taken by a number of the city banks to secure a State loan of $3,400,000, of which from two to three millions might be used, instead of specie, as remittances to Europe.

There was, therefore, a fair prospect that the impending danger might be averted; and without ascending to the more remote causes, it may be stated, as a matter of fact, that the disclosure of the frauds committed, with the connivance of some of their officers, on the Mechanics' and Dry Dock Banks, and the excitement caused by that event, and by the sudden death of the president of the Mechanics' Bank, operating upon a community already highly alarmed and excited by the unparalleled failures and losses lately experienced, and by those still apprehended, was the immediate cause of the run on the banks, and of the consequent compulsory suspension of specie payments. The city banks, by immediately assisting the Mechanics' Bank, and enabling it to resist the first shock, and to maintain itself, and by assuming the payment of the circulation of the Dry Dock, whose situation was such that it could not be sustained, did all that was in their power to allay the storm.

For an explanation of the circumstances which preceded the suspension itself, I beg leave to refer to the enclosed copy of the minutes of the sitting of the 10th May, A. M. of the board of directors of this institution.

You are no doubt satisfied that the situation of the National Bank, and the guarantee afforded by the bond of its directors, give the amplest security for the ultimate payment of the balance due to the United States. The great and only difficulty arises from the inability for the present to pay in specie; and we think this institution is, by the previous management of its affairs, and its conduct on the last trying occasion, entitled to the same forbearance which it exercises toward those indebted to it. I will only add that you will find it ready to co-operate in carrying into effect the measures which you may recommend for the purpose of resuming specie payments as early as possible, and of preventing in the mean while, as far as practicable, the depreciation of our paper currency. This must, however, be the subject of a distinct letter, in answer to the inquiries at the end of your circular.

The Treasury checks on this bank, which cannot be paid in specie, and will be returned in payment of duties to the Treasury, will in fact become demands for refusal of having paid specie. I pray you to inform me of the amount you mean to draw in that manner, and whether you intend to demand interest or damages on such return checks. This is necessary for my government in several respects.

I have the honor to be, respectfully, sir, your obedient servant,

ALBERT GALLATIN.

Hon. Levi Woodbury,
*Secretary of the Treasury.*

G 20.

Treasury Department, *June* 3, 1837.

Sir: I have to acknowledge the receipt of your letter of the 31st ult. this morning, with its enclosure. I beg

you to be assured that I entertain no doubt with regard to the solvency of the National Bank. This Department has not contemplated the placing of many drafts in payment of warrants upon your bank. It is hoped that you will be both able and willing to meet such as may be placed on it, in such a manner as will give entire satisfaction to the holders. The amount of the State transfer drafts payable by your bank in July, will not be made much larger in the whole than that for April, unless you should express a desire that they may be made so. This Department entertains a hope that these transfer drafts will be received by the States in such funds as may be mutually convenient and acceptable. In this manner all questions with regard to interest and damages will be obviated. Should any such questions unfortunately arise, it will be the anxious desire of this Department to arrange them in a just and equitable manner. I am, &c.

LEVI WOODBURY,
*Secretary of the Treasury.*

ALBERT GALLATIN, Esq.,
*President of the National Bank, N. Y.*

G 21.

MANHATTAN COMPANY,
*New York, June* 5, 1837.

SIR: I have the honor to acknowledge the receipt of your respected letter of the third instant, informing me that the Treasurer of the United States had issued a draft on this company in favor of the State of Tennessee, for fifty thousand dollars.

This is a very agreeable arrangement for us, and no doubt will be equally so to the Planters' Bank of Tennessee, as that institution is largely indebted to this bank.

I am much obliged by your inquiry respecting the future drafts upon this company, and as far as I can see at present you will be pleased to be governed in that respect by the convenience of the Department.

I have the honor to be, with great respect, your obedient servant,

ROBERT WHITE,
*Cashier Manhattan Company.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

G 22.

TREASURY DEPARTMENT, *June* 5, 1837.

SIR: I will thank you, at your earliest convenience, to inform me whether your bank will execute a transfer to the State of New York on the 1st of July next, of the balance of public money now on deposite with you, as the easiest and best mode of arranging what is due.

I am, sir, very respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Treasury.*

PRESIDENT *of the Commercial Bank, Buffalo.*

G 23.

COMMERCIAL BANK, *Buffalo, June* 13, 1837.

SIR: Yours of the 5th instant has been received. It is impossible to say at this time what can be done in relation to the transfer you speak of. The hearing for the dissolution of the injunction on this bank is on the 20th. Until then we must ask your indulgence, and trust, in the mean time, that no drafts will be made upon us. We will take the earliest moment to advise you after our affairs are arranged.

We supposed, from the call of the United States attorney upon us, that on furnishing the additional security which he desired, the payments would be postponed.

He mentioned that there would be some "reasonable time." His proposition was agreed to on receipt, although we are not as yet advised what additional security is required. Very respectfully,

ISRAEL T. HATCH, *President.*

To Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

G 24.

TREASURY DEPARTMENT, *June* 20, 1837.

SIR: I have to acknowledge the receipt of your letter of the 13th instant. Before it came to hand it became necessary to issue the State transfer drafts, of which one has been placed upon the Commercial Bank of Buffalo, for $40,000, agreeably to the notice which you have doubtless received, and which I hope will be satisfactorily met. The residue of the public deposite in that bank, or most of it, will, if this amount is paid over, be permitted to remain for the present. I am, sir, &c.,

LEVI WOODBURY,
*Secretary of the Treasury.*

ISRAEL T. HATCH, Esq
*President, &c., Buffalo.*

G 25.

COMMERCIAL BANK, *Buffalo, August* 5, 1837.

SIR: At the time the injunction was taken off from this bank, in answer to a letter from your Department, we advised yout that we would pay $40,000 to the State. The Treasurer of this State is probably holding the draft until the money is paid to this county, and then, doubtless, intends to present it. We have now paid, since the period above stated, $20,000 on drafts recently drawn. We hope that if the draft of $40,000 has not been recalled, it may be done, and modified to $20,000. The payment of this last sum would lessen the deposite in our hands one-half, which is as rapid a reduction of our debt to the Government as the embarrassed state of the times will permit of. We desire to pay as fast as possible; and when it is considered that we pay about half of our deposite within forty days, we believe that our proposition will be viewed favorably. The balance can be paid most conveniently by us in such sums as might be required by you to disburse at different points in this State and on Lake Erie.

Very respectfully,
ISRAEL T. HATCH, *President.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

G 26.

TREASURY DEPARTMENT, *August* 12, 1837.

SIR: I have to acknowledge the receipt of your letter of the 5th instant, requesting the recall of the transfer draft upon your bank in favor of the State of New York, payable on the 1st July last, and regret to inform you that it cannot be conveniently done.

The calls for the public money deposited in the banks, to meet the current engagements, have been so urgent that it has been drawn from them more rapidly than might have been wished. But you may be assured that the Commercial Bank of Buffalo has been less drawn upon, in proportion to the amount of its deposite, than almost any in the State of New York, and that hereafter as much forbearance will be exercised as the public service will permit. The whole of the public deposite has been drawn from the Bank of Troy, and all except about $23,000, which will be speedily absorbed, from the deposite bank at Albany.

I am, sir, very respectfully, &c.

LEVI WOODBURY,
*Secretary of the Treasury.*

ISRAEL T. HATCH, Esq.
*President Commercial Bank, Buffalo.*

G 27.

Commercial Bank, *Buffalo, August* 15, 1837

Sir: To-day a draft of $15,000 was presented by the Farmers and Mechanics' Bank of Albany, and specie demanded. We were advised by the United States attorney of this district that this draft was withdrawn. If it is the intention of your Department to enforce the payment of the draft we will pay it, although at some inconvenience at this time; believing, as we did from your correspondnce, that we should only be called on for $40,000 immediately. We ask no greater indulgence on our deposites than is allowed to others, in consideration of the great changes which have occurred since we undertook this trust for the Government. We would prefer disposing of the balance of our deposites as you should require the money to disburse at different points in this State and on Lake Erie.

Very respectfully,
ISRAEL T. HATCH, *President.*

Hon. Levi Woodbury.

G 28.

Treasury Department, *August* 26, 1837.

Sir: I have to acknowledge the receipt of your letter of the 18th instant.

By the last return of the state of the Treasurer's account with your bank received here, the amount of public money was within a fraction of $100,000. This was on the 20th May, at which time the Commercial Bank held a greater amount of public money on deposite, in proportion to its capital, than any bank in the State, with one or two exceptions. The drafts which have since been placed upon it, had they been paid, would still have left the amount in your bank greater in proportion than most other banks in the State—several of which have been entirely exhausted. As to the *payment* of any drafts placed upon you since the date of the return mentioned above, no evidence of the fact has reached this Department. Under all the circumstances, I am unable, consistently with a due regard to the public interest, to consent to a reduction of the draft in favor of the State of New York; especially since it was returned a few days since to the Treasurer of the State, from the belief that it had been provided for: such being the inference from the remark made in your letter of the 15th instant, respecting the non-payment of the transfer draft of $15,000 to the Mechanics and Farmers' Bank of Albany.

It is, therefore, with great reluctance that I am compelled to suggest, in reply to your proposition to pay $20,000, that the whole amount must be promptly paid.

I am, sir, very respectfully, your obedient servant,
LEVI WOODBURY,
*Secretary of the Treasury.*

Israel T. Hatch, Esq.
*President of the Commercial Bank of Buffalo.*

P. S. Permit me to remind you of the necessity of transmitting the weekly returns of the state of the Treasurer's account, as well as the semi-monthly statements of the condition of your bank.

We shall expect returns of what you have paid since last May. L. W.

G 29.

Commercial Bank, Buffalo,
*September* 4, 1837.

Sir: The Comptroller of the State forwarded the draft of the Treasurer upon us of $40,000 to the cashier of the Bank of Genesee, who has to-day presented it for payment. I offered to pay it in notes of this bank, or in drafts on New York and Albany; but to this the reply was, that the Comptroller insisted on receiving the whole amount in bills of the banks of this State, *excluding all the banks in Buffalo.* Such a demand is without precedent, and, under the present circumstances particularly, entirely unexpected, as the Comptroller has uniformly allowed drafts of this description to be paid to the commissioners of loans of the county in which the bank on which the draft was drawn was located; and in relation to this very draft all our previous correspondence with him has led us to expect the same course. A payment of this kind is also particularly inconvenient to day, for we yesterday remitted to New York all our current notes of other banks; and besides it is very unusual for us to allow over $20,000 of such funds to accumulate in our vaults.

Under these circumstances I could not prevent notices of protest being sent, and I give you these facts to satisfy you that we have done all in our power to protect the draft. By this mail I address the Comptroller, and request him not to return the draft, as I shall pay the amount to him in Albany, and at the same time send a request to our corresponding bank in Albany to take up the draft for our account at once; which, I trust, will be done.

I have only to add that, upon the receipt of your last communication, our president informed Mr. Flagg that this draft should be paid as previous drafts had been; to which letter we have had no answer, nor has Mr. Flagg at any time advised us of his intention to take any new course in regard to this draft.

I have the honor to be, sir, &c.,
J. STRINHAM, *Cashier,*
*in absence of the President.*

Hon. Levi Woodbury,
*Secretary of the Treasury.*

H 1.

State Bank at Newark, N. J.,
*October* 29, 1836.

Sir: Enclosed is a bond executed by the president and cashier and all the directors, except Mr. James Bruen, who is in Philadelphia, and Mr. James Dawes, who is absent on a journey. This bond is dated 21st October instant, to which day the former bond extended. It would be agreeable if you would hold this bond until we furnish you with another bond of like date, tenor, &c., executed by all the directors, which will probably be accomplished in a few weeks; and it will be all in good time to decide, when you receive the new bond, on the propriety of substituting it for the present bond.

Last evening we had a very calamitous fire in this city, (the particulars you will no doubt see in the public prints,) bearing a strong resemblance to the great fire in New York. This bank was several times on fire, but saved by the exertions of individuals, so that no loss of property is known or apprehended. If it should produce no inconvenience to the Treasury Department to furnish us with other funds besides those received, to pay what ought to be paid by us to the State of New Jersey, according to the deposite law, on the 1st days of January and April, or either of them, in whole or in part, it would enable us to grant some indulgences and assistance where it would be serviceable.

This intimation is made for your consideration; and if any thing is done in pursuance thereof, it will be very acceptable; but if there is any objection it will not be necessary to occupy your time with an answer. A great part of our manufactured articles are sold in the Southern and Western States, and the remittances received in the spring and early part of the summer. Very respectfully,
ELIAS VAN ARSDALE, *President.*

Hon. Levi Woodbury,
*Secretary of the Treasury.*

H 2.

State Bank at Newark,
*January* 18, 1837.

Sir: Enclosed herewith you will receive the receipt of the Governor, Treasurer, and Speaker of the House of

Assembly of New Jersey, for the sum of forty five thousand dollars, being the amount of the draft on this bank for part of the surplus revenue deposited with said State, which is forwarded according to the instructions contained in your letter of the 6th instant. In your letter of the 1st November ult., you mentioned the amount to be paid about the 1st instant; and that it would be followed on the 1st April, July, and October next, by other drafts payable to the same agent, but did not specify the sums. It would be very acceptable to us to be informed of the sums expected to be paid by us on those days, particularly on the 1st of April next, as soon as your convenience will permit.

Very respectfully,
ELIAS VAN ARSDALE, *President.*

Hon. Levi Woodbury,
*Secretary of the Treasury.*

H 3.

Treasury Department, *January* 21, 1837.

Sir: In reply to the inquiries contained in your letter of the 18th instant, as to the amount of the transfer drafts which will be issued in favor of the State of New Jersey, upon your bank, payable in April, July, and October next, I have to state that these drafts will probably be made for the sum of eighty-five thousand each.

I am, very respectfully, your obedient servant,
LEVI WOODBURY.
*Secretary of the Treasury.*

Elias Van Arsdale, Esq.
*President of the State Bank at Newark.*

H 4.

State Bank at Newark, *April* 6, 1837.

Sir: The receipt of the Governor, Treasurer, and Speaker of the House of Assembly of New Jersey, is herewith sent, for the sum of eighty-five thousand dollars, being the amount of the draft on this bank for part of the surplus revenue deposited with the said State, and which is forwarded according to the instructions contained in your letter of the cashier of the 15th March ultimo.

In your letter of the 21st January ultimo, you stated that the drafts therein referred to, payable in April, July, and October, would probably be eighty-five thousand dollars each. These sums, together with one previously drawn, make the amount deposited by transfer drafts, and was probably so arranged under the expectation that after the distribution was made, no surplus would remain in the Treasury beyond what was necessary for the public service. But as Congress have made no distribution of the surplus accruing, and our traders and manufacturers are greatly in want of money, it is submitted for your consideration whether part of the accruing surplus might not be left in New Jersey, to be effected either by diminishing the drafts to be drawn on us, or by new transfer drafts for us, as may best suit the convenience of the Treasury.

If this is not deemed expedient, we shall so understand it, without occupying your time in writing an answer to that effect. But, if a favorable determination in any respect should be made, an answer would be very acceptable.

Very respectfully,
ELIAS VAN ARSDALE, *President.*

Hon. Levi Woodbury,
*Secretary of the Treasury.*

H 5.

Treasury Department, *April* 11, 1837.

Sir: I have to acknowledge the receipt of your letter of the 6th instant, with its enclosure.

In reply to your request that a portion of the accruing surplus may be permitted to remain on deposite in your bank, I have to state that, upon the best estimate which can now be formed, the amount of receipts into the Treasury previous to the first of October will not exceed, if indeed they shall equal, the expenditures required by law, after the deposites with the States, due on that day, shall have been paid over. It does not seem probable that any considerable sum will remain in any deposite bank, even at the great points of disbursement, where it must, of necessity, be principally placed. If, contrary to present expectation, any considerable surplus shall remain in the Treasury after the State deposites shall be completed, your request will be seasonably and duly considered.

I am, very respectfully, your obedient servant,
LEVI WOODBURY,
*Secretary of the Treasury.*

Elias Van Arsdale, Esq.,
*President of the State Bank, Newark, N. J.*

I.

Bank of Delaware,
*Wilmington, 5th mo., 23d,* 1837.

In answer to the inquiries in thy circular of 18th instant, I am instructed to say—

1st. That we are ready to resume specie payments at any time when they are resumed by the Philadelphia banks, and shall be glad to do all in our power to promote it.

2d. The answer to this inquiry is principally above. From our near vicinity to Philadelphia it would be impracticable for us to resume specie payments at an earlier period than stated above.

I am also further instructed to say, that this bank will be prepared to meet the drafts of the United States Treasurer, in favor of the Treasurer of this State, as heretofore, in a manner satisfactory to the latter.

The whole amount received by this institution from the United States was eighty thousand dollars. We have paid Government drafts, in favor of the Treasurer of this State, for about $45,000 dollars, and we hope the draft to be drawn on the 1st of July may be for $15,000, (making an average payment of $20,000 quarterly,) and leaving that sum to pay on the 1st of October.

I am, very respectfully,
WM. PAXSON, *Cashier.*

To Levi Woodbury,
*Secretary of the Treasury.*

K 1.

Farmers' Bank of Virginia,
*Richmond, April* 5, 1837.

Sir: I have the honor to enclose the account of the Treasurer of the United States with this bank to the 3d instant; also, the receipt of the Treasurer of the Commonwealth of Virginia for $366,404 67. Be pleased to inform me, in case I am incorrect in the supposition, that I am instructed to perform this service as an agent of the Department over which you preside, and not as necessarily connected with the draft of $200,000 on this bank, advised in said letter, and which constituted a part of the amount for which the receipt is granted.

I am, with high respect, your obedient servant,
JOHN G. BLAIR, *Cashier.*

Hon. Levi Woodbury,
*Secretary of the Treasury.*

N. B. James Rawlings, Esq., has been elected president of this bank, in place of P. N. Nicholas, Esq., resigned. J. G. B. *Cr.*

K 2.

Treasury Department, *April* 7, 1837.

Sir: I have to acknowledge the receipt of your letter of the 5th instant, with its enclosures. The receipt transmitted appears to be derived from some law or regulation of Virginia, with regard to deposite of funds of that State, as it contains a different amount from the sum paid by you to the State Treasurer on account of this Department.

With the relations between the State of Virginia and its depositories this Department has nothing to do. The receipt is accordingly returned, in order that one may be transmitted for $200,000, the amount of the transfer drafts by this Department in favor of the State upon your bank, of the payment of which that receipt will constitute the proper voucher.

I am, respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Treasury.*

JOHN G. BLAIR, Esq.,
*Cashier Farmers' Bank of Virginia, Richmond.*

K 3.

FARMERS' BANK OF VIRGINIA,
*Richmond, April* 10, 1837.

SIR: The receipt of the Treasurer of Virginia, forwarded to you on the 5th instant, for $366,404 67, and returned by you as incorrect, came to hand to-day, and was presented to the Treasurer for compliance with your requisition: he states he waits for the return of the other receipt of the same tenor which he gave, and at your request, was forwarded to the Treasurer of the United States.

To the same officer was also forwarded the draft on this bank for $200,000, with the customary receipt thereon, accompanied with the weekly account rendered, it having been settled with the Treasurer of this State. The weekly account will accompany this.

I have the honor to be your obedient servant,

J. G. BLAIR, *Cashier.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

K 4.

TREASURY DEPARTMENT, *July* 15, 1837.

SIR: Not having been informed of the payment by your bank of the State transfer draft in favor of the State of Virginia, for a portion of the July instalment to be deposited with that State, I have to request you to inform me at your earliest convenience, whether it is expected to be paid over in a manner acceptable to that State, as it will be necessary otherwise to place drafts for disbursement upon your bank to meet the wants of the public service.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Treasury.*

JAMES RAWLINGS, Esq.,
*President of the Bank of Virginia.*

K 5.

FARMERS' BANK OF VIRGINIA,
*Richmond, July* 17, 1837.

SIR: Your letter of the 15th instant has been received. The transfer draft on this bank for $200,000, referred to by you, has not been presented for payment as yet.

By an act of the late extra session of the Legislature of Virginia, this check or draft, with all others payable on the 1st instant, were directed to be paid to certain banks, &c., by the endorsement of our State Treasurer. And I understand from him that, in order to meet the payments required by the said act, it will be necessary to have the draft divided into two sums. He has written to you, asking such a division; after which, no doubt, the checks will appear in due season, and be satisfactorily paid.

The apparent delay has resulted alone from the failure of those entitled to receive this fund to call on our Treasurer at an earlier day.

This bank will take pleasure in meeting any drafts which the wants of the public service may require, and, I doubt not, always in a manner acceptable to the creditors of the Government.

Very respectfully, your obedient servant,

JAMES RAWLINGS,
*President of Farmers' Bank of Virginia.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury, Washington city.*

K 6.

FARMERS' BANK OF VIRGINIA,
*Richmond, August* 28, 1837.

SIR: Your favor of the 24th instant, addressed to John G. Blair, cashier of this bank, advising that orders had been given to forward a transfer draft on the Bank of Virginia, in favor of this bank, for the sum of $14,732 35, has been duly received; and by the succeeding mail the transfer draft came safely to hand.

I hope that you did not consider the letter of our cashier of the 21st instant as in anywise a demand or request that you should adjust this seeming balance in favor of this bank, after the payment of the several checks or drafts of which we had been advised. Nothing of that kind was intended, and we should feel much mortified if it was inferred.

The checks of the Treasurer of the United States on this bank, as advised, have been satisfactorily paid, except one in favor of the Treasurer of Virginia for the sum of $117,190 67, which has never been presented for payment. This check it is understood was passed by the Treasurer of Virginia to the Exchange Bank; a bank authorized by the last Legislature of Virginia, but not yet in operation. The cashier of that bank, some three weeks ago, by letter to our cashier, informed him that he held such check, and asked if it would be paid in specie if presented. Our cashier, in reply, declined payment in specie, but proposed to meet it in current notes and checks on Northern banks; since which we have heard nothing farther from it.

Under the peculiar condition of all of our banks, it cannot reasonably be expected of us payment in specie, when no other bank will do the same, although our ability may, when contrasted with our liabilities, well compare with any.

I am pleased that a move has been made by the New York banks, which, it is hoped, will result in some well-concerted agreement to resume payment in specie at the earliest practical day. This bank, among the last to suspend, will be found, I hope, among the foremost in the resumption.

Very respectfully, your most obedient servant,

JAMES RAWLINGS,
*President of the Farmers' Bank of Virginia.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury, Washington city.*

K 7.

TREASURY DEPARTMENT, *August* 30, 1837.

SIR: I have to acknowledge the receipt of your letter of the 28th instant, and I beg you to accept of my thanks for the information furnished.

It is very desirable that your bank ascertain whether the transfer to the State referred to will be made and receipted for to the proper authority of the State, as required by the deposite law. I shall be gratified at receiving information upon that point at your earliest convenience.

I am, sir, very respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Teasury.*

JAMES RAWLINGS, Esq.,
*President of the Farmers' Bank af Virginia.*

K 8.

FARMERS' BANK OF VIRGINIA.
*Richmond, September* 16, 1837.

SIR: Your favor of the 30th ultimo was duly received. I have seen the Treasurer of Virginia in regard to the re

ceipts to be given for the July transfer from the United States, and am told by him that they cannot yet be given, because he has not been advised of the payment of the drafts.

I am now given to understand that the draft on this bank for upwards of $117,000 has been transferred to the Bank of the United States in Philadelphia, and that it is the purpose of that bank to tender the same as an offset to the claim of the United States for the first instalment due on account of the Government stock in the late Bank of the United States.

This being the case we are precluded from meeting the draft in any ordinary way. It would be quite convenient for us in a very short time to throw funds into Philadelphia even to meet it, but this, we presume, would not be permitted by the holder.

Under this state of the case, and to avoid any embarrassment to the Government, by reason of the non-payment of this draft, I would be highly pleased if you would direct the proper officer to check upon this bank for all or any of your ordinary disbursements in Virginia, until at least an amount equal to the outstanding draft shall be paid. It will afford us pleasure to meet such drafts in a way we trust satisfactory to the creditors of the Government.

Very respectfully, your most obedient servant,

JAMES RAWLINGS.
*President Farmers' Bank of Virginia.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

K 9.

TREASURY DEPARTMENT, *June* 19, 1837.

SIR: In reply to the inquiries contained in your letter of the 16th instant, which was received this morning, I have to suggest that it has been the intention of this Department, should the Northern Bank of Kentucky execute the transfer to the State of Virginia, payable on the 1st July, for $140,809 33, to relieve it, if desired, from a correspondent amount of the transfer which had been previously directed to be made by it to your bank. But if the Northern Bank is willing to pay to the Bank of Virginia the draft to which you refer, in such a medium as you are willing to receive, the transfer having been ordered previous to the suspension of specie payments, the Department will not interfere in any arrangement which may be made, to the mutual accommodation of the two banks, but will be happy if you can so arrange the matter. In such case it is not in my power to make any special stipulation with you as to the kind of money you will be called on to pay on account of this deposite.

The funds which may be in your bank, or in its branch at Norfolk, will be drawn out as the public service may require, in the ordinary course, as far as I can at present judge. I am, sir, &c.,

LEVI WOODBURY,
*Secretary of the Treasury.*

JOHN BROCKENBROUGH, Esq.
*President of the Bank of Virginia, Richmond.*

P. S. You can show this letter to the agent of the Northern Bank, if you please. L. W.

K 10.

TREASURY DEPARTMENT,
*September* 21, 1837.

SIR: I have to acknowledge the receipt of your letter of the 16th September. Until it shall be distinctly settled, which is not done in your letter, that your bank intends to dishonor the transfer draft placed upon it in favor of the State of Virginia, this Department cannot make any ulterior arrangements with regard to the funds provided for meeting it. We had hoped you would have no difficulty with your own State.

I am, sir, very respectfully, &c.

LEVI WOODBURY,
*Secretary of the Treasury.*

The PRESIDENT
*of the Farmers' Bank of Virginia, Richmond.*

L 1.

PLANTERS' BANK, SAVANNAH,
*March* 29, 1837.

SIR: Most of the transfer drafts recently received from you gave to the banks of New York, on which they were made, the option of paying them in this city. The Bank of America has availed of this, and tendered, through its agent here, two checks, amounting to twenty thousand dollars; say one for fifteen thousand dollars, drawn by Phœnix Bank of New York on the Darien Branch Bank of this city, and one for five thousand dollars, drawn by State Bank of New York on the Central Railroad and Banking Company of this place also. The custom of the banks here for a short time past, and with a view to the accommodation of our merchants, has been to receive in payment for collections made by them, the notes of the banks of Augusta and Charleston, reserving to themselves, however, the right to pay out the same description of notes to all checks drawn on them, and founded on collections. This bank having paid in specie the greater portion of the warrant issued to the State in January last, and feeling itself bound to pay in specie, if required, the warrant issued and payable first proximo, I called on the banks on which the above mentioned checks were drawn, to ascertain if they or others which might be received would be met in specie if required; and I am led to understand that it will not be agreeable to them to pay specie for any checks founded in collections, made either for individuals or banks. Considering this institution bound to pay in specie, if desired, any and all checks or warrants made on it by you, and unwilling to come into any collision with the banks of our city, the more especially as the mere suggestion or inquiry made in relation to the payment of specie, under the circumstances, gave utterance to the cry that the Government funds were to be used to oppress and cramp our institutions, I declined to receive from the agent of the Bank of America the checks, and requested him to make the demand for specie, which was declined by him. I take it for granted I express your views when I say that this institution is bound to pay in specie, when required, any and all drafts or warrants made on it by Government; and I beg the favor of you to say if, under this view, you consider it under any obligation to receive in payment from banks on which you give it transfer drafts, checks on other banks, which banks claim the right to pay such checks in what are termed current notes, and which are not immediately available to us, in case of specie requirements, in consequence of their remoteness from us. I am far from intending this communication as one of complaint, and beg that it will not be received in this light. The arrangement of the present checks is a matter I consider between the Bank of America and ourselves, and it will be adjusted to the entire satisfaction of both of us, our supply of specie at present being ample for any requirement made on us; but, under different circumstances, we might be subjected to much inconvenience. It is my desire to call your attention to its prospective bearing on this bank, and to request you, if you can, in accordance with your own views on this subject, direct that any future transfer drafts issued to us be paid in such way as to relieve us from the unpleasantness of coming into collision with our institutions here, and incurring the stigma of using Government funds to oppress them, when we only ask from them that which we ourselves are called on to pay. The difficulty can be avoided

by making the transfer drafts payable at the bank on which they may be issued, and I beg to suggest to you this course.

I have the honor to be, very respectfully, your obedient servant,

GEO. W. ANDERSON, *President.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

L 2.

TREASURY DEPARTMENT, *April* 7, 1837.

SIR: I have to acknowledge the receipt of your letter of the 29th ultimo this morning.

Your suggestion that the depositories employed by this Department are bound to pay in specie, when required, all drafts and warrants made on it by the Government is perfectly correct, unless in the case of transfer drafts, the bank executing the transfer holds the notes of that in favor of which it is made, or remits bills and drafts in payment, which the latter is willing to credit as specie.

The transfer drafts ordered by this Department are usually made payable either at the bank executing the transfer or at the bank to which it is made, as may best suit the circumstances of the case or the wishes of the institution on whom the burden of payment is thrown. The general practice has been to make them payable at the bank to which payment is required to be made, as being the course most generally acceptable and convenient.

This Department trusts that no practicable difficulty will arise on this subject, and will, at all times, be anxious to do every thing in its power to prevent such a result.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Treasury.*

G. W. ANDERSON, Esq.
*President of the Planters' Bank, Savannah.*

M 1.

AGRICULTURAL BANK OF MISSISSIPPI,
*Natchez, January* 28, 1837.

SIR: I have had the honor to receive your letter of the 3d instant, and your notice of the issuing of a transfer draft on us in favor of the State of Tennessee for $125,000, which I suppose is made payable here, and nothing appears to the contrary.

I enclose our weekly account, and am, very respectfully, your obedient servant,

A. P. MORRILL, *Cashier.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

M 2.

AGRICULTURAL BANK OF MISSISSIPPI,
*Natchez, March* 31, 1837.

SIR: The recent large failures in New Orleans and the Northern cities must necessarily suspend the payment of a large amount of our bills maturing at distant points until next season, and produce great embarrassment for several months in this community. I am, therefore, directed to inquire of you whether we may not expect that the public moneys now in the custody of this bank will not be reduced in amount before January next.

We have experienced considerable delay in making them available to us, in consequence of receiving them at Pontitoc, and the principal investments made of them are in the very bills that are now being suspended. Having understood that the funds belonging to the Chickasaw nation of Indians are to be invested for their use, this bank proposes to borrow one million of dollars, on such time and terms as may accord with the views of the Government.

Very respectfully, your obedient servant,

A. P. MORRILL, *Cashier.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

M 3.

AGRICULTURAL BANK OF MISSISSIPPI,
*Natchez, April* 5, 1837.

SIR: I have had the honor to receive to day your letter of March the 14th, and notices that transfer drafts have been ordered on this bank, in favor of the States of Tennessee and Arkansas, both payable on the 1st instant. We have every reason to expect that these drafts, as well as the funds required at Little Rock, will be demanded in specie, all which, I am sorry to say, amount to a sufficient sum to increase, to a considerable extent, the embarrassments of this region of country. We have no other means of procuring supplies of specie but from the New Orleans banks, from the payment of exchange on that city; even such is the present state of things there as to render this dependence exceedingly precarious. The demand during the last two or three months so far exceeds all experience as to induce the banks to part with it very reluctantly upon any terms. Almost every dollar received for produce is immediately demanded in coin; bank balances for collections made of our merchants have to be paid in specie, and the demand for it, for the purchase of lands, still continues to a burdenso meextent. This, together with the recent failures here, in New Orleans, and the Northern cities, has made it inexpedient for the banks to make new discounts; commercial credit has consequently become greatly impaired, and our whole population is at this time in a state of great excitement and alarm. The Governor has convoked a special meeting of our Legislature, with a view to the adoption of some extraordinary measure of relief, which at present adds something to the prevailing anxiety and alarm.

The banks in this State, although in my opinion generally sound, and prudently conducted, must necessarily feel the embarrassment of the times.

These are circumstances which I deem it my duty to make known to you; and from them you will be enabled to judge of the propriety of adopting any measure, consistent with your views of public duty and interest, to relieve us, as much as possible, from the payment of money, and particularly of specie, during the summer. In the autumn, I do not doubt that things will become comparatively easy again.

I beg leave to suggest here that the Indian tribes, so far as my information extends, have generally preference to receive bank notes in which they have confidence, to either silver or gold. The former they find to be extremely inconvenient on account of the bulk and weight, and they are not judges of the value and genuineness of the latter. At Pontitoc this has been almost uniformly the case, and it seems to me probable that the Indians in Arkansas may have the same preferences, and that the notes of this and the Planters' Bank may prove more acceptable to them, as they are already familiar with their use and value.

Very respectfully,

A. P. MORRILL, *Cashier.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

M. 4.

TREASURY DEPARTMENT, *April* 20, 1837.

SIR: I have to acknowledge the receipt of your letter of the 31st ult. From present appearances the current receipts into the Treasury during the year will not exceed, if indeed they shall equal, the expenditures required by law. The deposite with the several States, required by the deposite law to be made on and before the first day of October next, together with those expenditures, render seasonable arrangements on the part of the deposite banks necessary for making these payments.

This Department, as it has ever done toward all the depositories employed by it, will endeavor to render the du-

ties devolving upon your bank as little burdensome as possible, by furnishing all possible notice of the times and places where you will be required to make payment. For the deposites with the States of Tennessee and Arkansas you have had ample opportunity to make convenient provision. The transfers recently ordered to be made by you to Baltimore and Philadelphia, for expenditure at those points, are placed so far ahead that it is presumed you will find no difficulty in executing them with punctuality. You will not probably be called on to pay any thing to the State of Mississippi.

With regard to the proposition to borrow a million of dollars from the fund belonging to the Chickasaw nation, I have to state, the expenses attendant upon the removal and settlement of that nation are expected to absorb all the funds now in hand, as well as the receipts on their account for a considerable time to come. Whenever there shall be funds for investment, this Department will be happy to purchase stock from your bank, should it possess any of the kind to which investments are restricted, and will offer them on terms as favorable as others.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,

*Secretary of the Treasury.*

A. P. MORRILL, *Cashier*
*of the Agricultural Bank of Mi., Natchez.*

P. S. If any future transfers except those to the States of Tennessee and Arkansas are ordered from your bank, I will give them ample notice, and make them as near and convenient as the public interest will permit.

M 5.

AGRICULTURAL BANK OF MISSISSIPPI,
*Natchez, April* 26, 1837.

SIR: The Treasurer of the State of Arkansas has presented his two transfer drafts on this bank, and demanded specie, which he wants for the use of the new bank about to go into operation at Little Rock; but as it will not be needed before the 1st of July, he has been induced to defer the demand on that we agree to place this amount there at that time at our risk and expense. Such is the unexampled state of things here and in New Orleans, that we have deemed it important to gain this little time, even at some risk of not being able to comply with our agreement; for specie cannot be obtained in New Orleans upon any other terms than a positive demand at the counter of the banks, and by the 1st of July, unless relief is afforded them, it may be difficult to obtain it even in this way. Mr. Woodruff, the Treasurer of Arkansas, informs me that large amounts of specie are now at the several land offices in that State, and if the receivers were directed to deposite the above amount, $100,000, with him, it would be a convenience to all parties. This bank would be greatly accommodated by such an arrangement, and, if the money is not to be deposited with us, we would place it to the credit of the Treasurer of the United States, either in New Orleans or in the Planters' Bank in this city, as may be directed.

Very respectfully,
A. P. MORRILL, *Cashier.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

M. 6.

WASHINGTON CITY, *June* 1, 1837.

Some time in the month of April last, the Governor of Tennessee put into the hands of the cashier of the Planters' Bank of Tennessee, for collection, a draft drawn by the Treasurer of the United States on the Agricultural Bank of Mississippi, in favor of the State of Tennessee, dated March 13th, 1837, for the sum of $125,000. The Planters' Bank sent the said draft to Natchez for payment by special agents; the said agents made two formal applications themselves for payment thereof, but without success; the said agents neither demanded nor insisted on the payment of the said draft in specie, but declared their readiness to take the payment thereof in notes on the New Orleans banks or in United States Bank notes, but still they could not obtain the money for said draft; the said agents were then forced to place the said draft in the hands of a notary public, who made a formal demand for the payment thereof on the 2d May, 1837, and payment being refused, the said draft was accordingly duly protested for non-payment.

The above facts did not occur under my own personal observation; but I am a director of the Planters' Bank, and in that capacity learnt them from the report of the said agents to said Planters' Bank, and I believe them to be true. I did not learn what reasons the Agricultural Bank assigned for the course it pursued.

Upon the reception at Nashville of the notice of protest of said draft, the Planters' Bank of Tennessee paid to the State of Tennessee the amount of said draft, took it up for the credit of the General Government, and is now the holder of the same.

I furnish this statement at the request of the Hon. Mr. Woodbury.

THOMAS H. FLETCHER.

M 7.

WASHINGTON CITY, *June* 2, 1837.

SIR: I have this day received a letter from the president of the Planters' Bank of Tennessee, in which he forwards me a draft drawn by the Treasurer of the United States in favor of the State of Tennessee, on the Agricultural Bank of Mississippi, dated March 3d, 1837, for the sum of $125,000, which said draft has been protested for non-payment.

This draft was originally forwarded to the State of Tennessee, as a part of the public moneys directed by law to deposite with said State, and was intended as so much of the public moneys to be deposited with that State on the 1st of April last. Said draft was presented to the Agricultural Bank on the 2d of last month for payment, but the payment thereof being refused, it was accordingly protested.

On the return of said draft to Nashville under protest, the Planters' Bank of Tennessee voluntarily came forward and paid to the State of Tennessee the amount of said draft, and took up the same for the credit of the United States.

It is thus that the Planters' Bank became the holder of said draft, and I am desired by the president thereof to present the same to you for reimbursement, and to ask you to give in payment checks on some of the Eastern cities. As to the mode of reimbursement, I think there should be no objection urged. The Planters' Bank advanced the money for the credit of the United States at a time of extreme pressure at Nashville, and a large portion of the money so advanced was equal to specie. In making this payment to the State of Tennessee, the Planters' Bank supposed it would be doing a service both to the General Government and the State of Tennessee, as it enabled the General Government to carry out the original object had in view when the draft was drawn, and it placed at once into the Treasury of Tennessee the full quota of the public moneys intended for that State on the 1st April last.

The payment of this money to the Planters' Bank in a check on the East will further tend to enable that institution to meet the requisitions of the United States at Athens in gold and silver or their equivalent.

The Planters' Bank is not without claims on the Treasury Department for reasonable aid. It has discharged for the United States upwards of $1,300,000 within the last eight

months, and at this time only owes the Government about $69,000. Much of the money paid on these disbursements was paid in silver, sent to the Branch Bank at Athens by the Planter's Bank at great expense, risk, and trouble. The public moneys within the last six months deposited with the Planters' Bank have remained with it too short a time to be used by that institution, and hence no profit has resulted from the agency. Therefore, under all the circumstances, I hope you will consider it reasonable to make me, as the agent of the Planters' Bank, reimbursement in checks on the Eastern cities.

Very respectfully,
THOMAS H. FLETCHER.

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

N. B. I think it proper to add that down to the latest dates from Nashville, the Planters' Bank had not suspended specie payments, and the tenor of a letter just received from the president of that institution, seems to look to a continuation of the payment of the Government requisitions at Athens in gold and silver.

THOMAS H. FLETCHER.

M 8.

TREASURY DEPARTMENT, *June* 2, 1837.

SIR: In reply to your suggestion concerning the draft on the Agricultural Bank, in favor of the State of Tennessee, and which was not paid by that bank, but the money voluntarily advanced by your bank to the State, I would briefly reply:

In the first place the liberal conduct of your bank is duly appreciated; but it is not legally in my power to consider the claim as a debt, and as a transaction with that bank, to be settled with it like a debt.

On the other hand, I was willing, as before proposed to the Treasurer of the State, to issue a new transfer for the amount on the Union Bank, or, as stated to the Governor, to pass the amount to your credit by issuing a new transfer on your bank, and the State giving a receipt for the same, if paid.

But finding that, so far as you know and represent the views of the Governor of the State, and act in the capacity of assignee or representative of the claim of the State for the $125,000, there is a reluctance to accept a new transfer in the Union Bank, and that no funds remain in your bank subject to our draft, except such as were not payable till hereafter, in June and July, and have not yet been paid in funds immediately available, and on which we are rapidly drawing for Indian expenditures, I am disposed to give another transfer or transfers to the State of Tennessee, on some other bank, where our means are large, and which is likely to be more acceptable, and, under all the circumstances, just. We shall also be obliged to draw on both the banks in Nashville largely for the July deposite with the States, and on the Planters' Bank, all which can be spared there, after meeting current expenditures. I will thank you, therefore, to designate such bank or banks as seem to you most convenient, and confine the amount as far as practicable, and as will probably be realized satisfactory, to the West or Southwest.

We have ample funds in deposite at New Orleans, as well as at Natchez, at Louisville, and Cincinnati; on either of these places we can give new transfers for the whole, and, if likely to be more acceptable, can give a transfer for a part on New York—not exceeding, however, 50,000 dollars without inconvenience.

Respectfuily yours,
LEVI WOODBURY,
*Secretary of the Treasury.*

THOS. H. FLETCHER, Esq.
*Agent for the Planters' Bank of Tennessee.*

M 9.

WASHINGTON CITY, *June* 2, 1837.

SIR: Yours of this day is at hand. Upon reflection, I believe it will be most acceptable to all concerned to take the drafts proposed on New York, Cincinnati, and Louisville; and, therefore, I will accept of a draft on New York for 50,000 dollars, on Cincinnati for 37,500 dollars, and on Louisville for 37,500 dollars.

Very respectfully,
THOS. H. FLETCHER.

Hon LEVI WOODBURY,
*Secretary of the Treasury.*

N 1.

WASHINGTON, *May* 30, 1837.

SIR: The balance due from the Clinton Bank of Columbus, amounting to ninety or ninety-six thousand dollars, we feel anxious to meet in a manner that shall be as little embarrassing to the United States as the present deranged state of the currency will permit; and will hold ourselves ready to meet forthwith the Treasury draft in favor of the State of Ohio for the full amount of the same.

Respectfully, your obedient servant,
WM. NEIL, *President.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

N 2.

COMMERCIAL BANK of CINCINNATI,
*June* 8, 1837.

SIR: I have now the pleasure to inform you that the Bank of Kentucky is willing to receive such funds as we are prepared to pay them in discharge of the transfer draft for 100,000 dollars, payable on the 28th instant, and that we, therefore, prefer to reduce our debt to the Government by making that payment. That bank declined giving us any assurance so far in advance, as to the kind of funds which it will receive in payment of the drafts payable in July and August, but we have confidence that we shall be able to make an acceptable payment. If so, we prefer making the payment. I respectfully suggest, therefore, that the drafts be allowed to remain for the present, and should any difficulty occur hereafter, we will in due time advise you, and request the favor of you to recall the drafts.

We will with pleasure make the payment you desire of 150,000 dollars to the State of Pennsylvania; but as the amount is large, and the time short, it will be a favor to us if you will delay the issuing of the draft for a few days, so that we may avail ourselves of the option between Pittsburg and Philadelphia. It may be a great convenience to us to pay at Pittsburg, but we cannot decide this question until the arrival of Mr. Armstrong, our president, from St. Louis, who is hourly expected. You may depend on our placing the amount to the credit of the Treasurer at whichever place may be decided on, on the 1st July. We also hope that these drafts will be drawn payable in current bank notes, as a payment in specie, if demanded by the banks to which it is to be paid, would be impracticable, and would lead to disappointment.

I am, very respectfully, your obedient servant,
JAMES HALL, *Cashier.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

N 3.

COMMERCIAL BANK OF CINCINNATI,
*July* 1, 1837.

SIR: I received from the Bank of Kentucky to-day the transfer draft payable to us on the 29th ultimo, duly receipted.

I am advised by that bank that for the outstanding drafts payable in July and August, of $100,000 each, they will

not receive in payment any thing but specie, checks on the East, or the notes of the Bank of Kentucky. This mode of payment would be impracticable, unless at a sacrifice greater than the Department would, we believe, require. The Bank of Kentucky, in common with most of the banks of this region, is rapidly curtailing its circulation, and it would be impossible to procure any large amount of its notes, and Eastern checks are now out of the question. We were obliged, in arranging for the payment due this day to the State of Pennsylvania, to make a sacrifice of about 7,000 dollars, which we did cheerfully rather than disappoint the Department. But, as the means of creating funds at the East are now almost entirely cut off, we should not wish to make any new engagements which would require Eastern exchange, and which we might, therefore, not be able to fulfil. We, therefore, beg leave to avail ourselves of the offer you were kind enough to make, to withdraw the two drafts payable at the Bank of Kentucky.

I am, very respectfully, your obedient servant,

JAMES HALL, *Cashier.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

N 4.

BANK OF KENTUCKY,
*Louisville, June* 7, 1837.

SIR: The time is near at hand when the portion of the surplus revenue accruing to the State of Kentucky is to be paid over to the Treasurer of the State. This bank, as you are aware, has a large amount of the public deposites, while the Northern bank has a very small portion. Would it suit you, as a matter of convenience to this bank, to give to the Treasurer of the State of Kentucky a warrant for the whole amount? This would leave a more equal amount in each bank, and relieve this institution very much in the payment of so large an amount—the branch of the bank at Frankfort being the fiscal agent of the State. This bank has been very much embarrassed in its operations by the protest of checks on the North, which it had received in payment of balances by banks in the South, particularly the Agricultural Bank at Natchez and the Commercial Bank at New Orleans, thus suspending a large amount which should have been available in furnishing our merchants with Eastern checks. We necessarily accumulate large balances in the two named banks, funds of which we can make no use, unless it will suit your Department to make warrants on us to be paid at those points.

We will hold ourselves ready, at all times, to meet your requisitions, and, on the unfortunate suspension of specie payments, will do every thing in our power to satisfy the holders of your warrants. We have thus far had no sort of difficulty, nor do we expect any, yet your Department must deal as lightly with us as possible.

Your obedient servant,

W. H. POPE, *President.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

N 5.

TREASURY DEPARTMENT, *June* 15, 1837.

SIR: I have to acknowledge the receipt of your letter of the 7th instant. The proportion of the July instalment, drawn upon your bank, in favor of the State of Kentucky, has been greatly increased, and, had not the transfer drafts been issued before the receipt of your letter, might have been more so, being anxious to accommodate the depositories of public money in any mode consistent with the public service.

Your suggestion of a wish to make payment at New Orleans will be attended to, should circumstances require funds at that point.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Treasury.*

W. H. POPE, Esq.
*President Bank of Kentucky, Louisville.*

N 6.

NORTHERN BANK OF KENTUCKY,
*Lexington, June* 9, 1837.

DEAR SIR: I have this day received your letter of the 31st ultimo, notifying me that a "transfer draft has been directed upon this bank for the sum of $100,000, payable to the State of Kentucky on the 1st of July next," which payment shall be made. It will, as I intimated in my letter to you of the —— instant, be very agreeable to us to learn that the transfer draft may have been directed to our branch at Louisville, for the further sum you may have to pay the State of Kentucky on the 1st of July next. Arrangements can be made for the payments to our State with perfect ease and entire satisfaction to the State authorities.

I am, very respectfully, your obedient servant,

M. T. SCOTT, *Cashier.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

N 7.

NORTHERN BANK OF KENTUCKY,
*Lexington, June* 9, 1837.

DEAR SIR: Your letter of the 30th ultimo to our cashier at Louisville has been forwarded to me, advising of a transfer draft having been directed to him for the sum of $140,809 33, payable to the State of Virginia on the 1st of July next, and that the amount of this transfer draft to the State of Virginia will be deducted from the transfer heretofore ordered to the Bank of Virginia.

Before the receipt of your letter, (viz. on the 5th inst.,) we had despatched a special messenger (John Milton, Esq) to Richmond, Virginia, with funds to pay both transfer drafts to the Bank of Virginia, with instructions that, if he failed in making the payment there, to repair to Washington, and offer the same to you, in one of which modes we hope the payment will be satisfactorily made.

In that event, if agreeable to you, it would be a great accommodation to me to have the payment of the draft for $140,809 33 extended to that season of the year when our live stock shall be carried to the Virginia market, when the payment can be made without inconvenience, and some facilities afforded to our trading people to get their property to a market.

Very respectfully, your obedient servant,

M. T. SCOTT, *Cashier.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

N 8.

NORTHERN BANK OF KENTUCKY,
*Lexington, August* 18, 1837.

DEAR SIR: I have received from the cashier of the branch of this bank at Louisville, the copy of a letter from Wright Southgate, cashier of the Exchange Bank of Virginia, at Norfolk, advising that he held a draft of the Treasurer of the United States on our office at Louisville, for $140,809 33, and inquiring how we mean to pay it. This transfer draft I presume to be the same referred to in your letter to our cashier at Louisville, dated the 30th of May last, in which you *intimate that*, upon *payment of that draft*, its *amount would be deducted from the transfer drafts* before ordered to be paid to the State of Virginia. Advice of the draft now in the hands of Mr. Southgate was

not receieved until a special messenger, Mr. Milton, was sent to Richmond, Virginia, with funds to pay the two transfer drafts in favor of the Bank of Virginia for one hundred thousand dollars each, and which payments have been made.

On the 9th June I addressed to you a letter, a copy of which I give below, and not having heard from you since, had supposed that the draft was withdrawn or suspended until the time mentioned in that letter.

I have to repeat that it will be a great accommodation to this bank to have the payment suspended, and hope that the indulgence asked will not be detrimental to the interests of the Treasury. An early answer is respectfully solicited.

I am, very respectfully, your obedient servant,
M. T. SCOTT, *Cashier.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

N. 9.

TREASURY DEPARTMENT, *August* 28, 1837.

SIR: I have to acknowledge the receipt of your letter of the 18th instant. It was the intention of this Department, as was notified to you on the 30th May, should the execution of the State transfer draft, in favor of the State of Virginia, prove too burdensome or inconvenient, in connexion with the transfer to the Bank of Virginia, to postpone, modify, or recall, the latter, which were then within the power of the Department.

But over the State transfer draft this Department did not undertake to exercise any such control, and the period of its payment was fixed by law, and of course could not be postponed, excepting by the two depositories from and to which the payment was required to be made.

It would give me great pleasure to afford you any accommodation, consistent with the public duties devolving on this Department, and I regret that I cannot with propriety direct the payment of the State transfer draft in question to be suspended or delayed, agreeably to your request.

I am, sir, very respectfully, your obedient servant,
LEVI WOODBURY,
*Secretary of the Treasury.*

To the CASHIER
*of Northern Bank of Kentucky, Lexington.*

N 10.

OFFICE STATE BANK INDIANA,
*Madison, March* 7, 1837.

SIR: We have just paid to the Treasurer of Illinois nearly $33,000 in silver on Treasury warrant. This branch and the branch at Indianapolis have been compelled to pay a large amount of silver to the Northern Bank of Kentucky through transfer warrants: that bank has replenished her vaults with specie at our expense.

This letter is not written in a spirit of complaint, but to request you as a favor to us (if convenient for you) not to draw on this branch in favor of the Treasurer of Illinois, as the whole amount will be required in specie. Our specie has been down much latterly, and the deposites through the land offices are light, and likely to be more so.

Very respectfully, your obedient servant,
J. F. D. LANIER, *President.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

N 11.

TREASURY DEPARTMENT, *March* 16 1837.

SIR: I have to acknowledge the receipt of your letter of the 7th instant, requesting me to issue no more transfer drafts upon your institution in favor of the State of Illinois. Several days since, a transfer draft, payable on the 1st day of April next, in favor of the State of Illinois, upon your bank, was issued for the same amount as that for the first instalment to which you refer. Should the operations of these transfers prove too severe, it will afford me pleasure to give you all the relief in my power. The greater part, if not the whole, of the large sum of public money on deposite in your institution is required by law to be transferred to the States on or before the first day of October next. If it will prove any accommodation to you, the July instalment, payable to Indiana from your bank, may be increased, and that payable to Illinois placed upon some of the other branches of the State Bank of Indiana, or such other institution as may hereafter seem most proper.

I am, very respectfully, your obedient servant,
LEVI WOODBURY,
*Secretary of the Treasury.*

To the PRESIDENT
*of the B'h of the State B'k of Indiana at Madison.*

N 12.

OFFICE STATE BANK INDIANA,
*Madison, March* 30, 1837.

SIR: Yours of the 16th instant is received. We are obliged to you for the offer of paying a larger sum, 1st July, to Indiana, and none to Illinois at that time; will accept the offer, and make our arrangements accordingly.

On the 22d instant we paid the Treasurer of this State the warrant on us for upwards of $96,000, due 1st of April; the vouchers were not sent on in our last report, as the payment was made at Indianapolis, and they had not been received from there, but will be forwarded in next return.

The warrant on us to Illinois, due first of next month, shall be promptly met. It is of great advantage to us to be advised so long beforehand, as in case of the July payment to Indiana. It enables us to make arrangements for payment which under shorter notices could not be done.

Very respectfully, your obedient servant,
J. F. D. LANIER, *President.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

N 13.

LAWRENCEBURG BRANCH, &c. *March* 20, 1837.

SIR: Yours of the 8th instant, advising of your direction of the issue of a transfer draft on us in favor of the State of Missouri, for $50,000, is received. A similar notice, dated 19th January last, was also received. Please state whether those notices refer to the same transfer drafts and, also, where payment is to be made.

I am, sir, very respectfully, your obedient servant,
E. D. JOHN, *Cashier.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

N 14.

TREASURY DEPARTMENT, *March* 30, 1837.

SIR: In accordance with the general notice issued by this Department on the 1st of November last, a transfer draft was issued on your branch in favor of the State of Missouri, for $50,000, in part payment of the first instalment to be deposited with that State, and a transfer draft for a similar amount has been recently issued in part payment of the second instalment, both of which are to be paid at your branch.

It is presumed that the notices to which reference is made in your letter of the 8th instant, (probably an oversight for the 20th,) which came to hand to-day, apply to

these two payments, to be made to that State under the provisions of the deposite law.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Treasury.*

To Cashier *of the Branch*
*State Bank of Indiana, Lawrenceburg.*

N 15.

Branch Bank, *Indianapolis, March* 21, 1837.

Sir: I this day received yours of the 11th instant, notifying me that a transfer draft has been directed upon this bank for the sum of $268,751 48, payable to the State of Indiana on the 1st of April next. I also received, per same mail, from the Treasurer of the United States, a transfer draft upon the branch at Lawrenceburg for $35,000, which when paid will make the balance to the credit of the Treasurer but $1,874 45 more than the amount this branch is under orders to transfer to Chillicothe, Ohio.

From the state of our account I presume some other bank must have been intended, and I hasten to call your attention to the subject. I believe it has been expected here that the payment of the second instalment of this States' portion of the surplus revenue would, like the first, be made by the branches at Lawrenceburg, Madison, and New Albany. I am, respectfully, yours,

B. F. MORRIS, *Cashier.*

Hon. Levi Woodbury,
*Secretary United States Treasury.*

N 16.

Treasury Department, *March* 31, 1837.

Sir: I have to acknowledge the receipt of your letter of the 21st instant; and the expectation expressed therein that the second instalment of the deposite to be made with the State of Indiana, during the present year, would be drawn from the branches at Lawrenceburg, Madison, and New Albany, was correct. The notice to which you refer was inadvertently, by a clerical mistake, sent to your bank, and has not been followed, and will not be, by any transfer.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Treasury.*

The Cashier *of the Branch of the*
*State Bank, of Indiana, Indianapolis.*

O 1.

Treasury of the United States,
*September* 21, 1837.

Sir: In reply to so much of the resolution adopted by the House of Representatives on the 14th of September, 1837, as appertains to this office, I have the honor to enclose herewith, copies of letters numbered 1 to 11, which embrace all the correspondence of this office in relation to State transfer drafts, other than the ordinary letters of advice and transmission; statement in detail of discredited drafts on banks received in payment of Government dues, including a few subsequently directed to receivers, and paid by them; statement of transfer drafts issued in favor of States, on account of the three first instalments under the deposite act of 23d June, 1836; and statement of State transfer drafts which have been protested as not paid by the banks on which they were drawn.

Very respectfully, your obedient servant,

JOHN CAMPBELL,
*Treasurer of the United States.*

Hon. Levi Woodbury,
*Secretary of the Treasury.*

Note.—The statements accompanying this letter were returned for additions, which were not completed until the 23d.

Treasurer's Office, *Sept.* 23, 1837.

O 2.

*Statement of transfer drafts, issued in favor of sundry States on account of the third instalment on sundry banks, which have been protested for non-payment.*

| | | | |
|---|---|---|---|
| *Virginia.* | | | |
| On the Girard Bank, at Philadelphia | $37,000 | | |
| Mechanics' Bank, N. York | 40,000 | | |
| Union Bank, do | 100,000 | | |
| National Bank, do | 60,000 | | |
| | | $257,000 | 00 |
| *South Carolina.* | | | |
| On the Girard Bank, at Philadelphia | $50,474 03 | | |
| Mechanics' Bank, N. York | 60,000 00 | | |
| Merchants' Bank, do | 40,000 00 | | |
| | | 150,474 | 03 |
| *North Carolina.* | | | |
| On the Girard Bank, at Philadelphia | | 19,919 | 13 |
| *Tennessee.* | | | |
| On the Agricultural Bank, at Natchez | | 125,000 | 00 |
| *Arkansas.* | | | |
| On the Agricultural Bank, at Natchez | $50,000 | | |
| Do do | 50,000 | | |
| | | 100,000 | 00 |

JOHN CAMPBELL,
*Treasurer of the U. S.*

Treasury Department,
*September* 23, 1837.

The notices of the protest of the three drafts on the Girard Bank show that they were held by the Bank of the United States.

O 3.

*Statement of transfer drafts issued in favor of the several States, in accordance with the law of* 23d *June,* 1836, *for distributing the surplus revenue.*

| No. | BANKS. | Amount of drafts. | Amount of instalments. |
|---|---|---|---|
| | MAINE. | | |
| 95 | On Maine Bank, Portland | $50,612 75 | |
| 96 | Bank of Cumberland, do. | 35,000 00 | |
| 97 | Granite Bank, Augusta | 23,000 00 | |
| 98 | Peoples' Bank, Bangor | 12,000 00 | |
| 99 | York Bank, Saco | 12,000 00 | |
| 100 | Merchant's Bank, Boston | 75,000 00 | |
| 101 | Commonwealth Bank, do. | 28,000 00 | |
| 102 | Fulton Bank, do. | 32,000 00 | |
| 103 | Hancock Bank, do. | 31,000 00 | |
| 104 | Franklin Bank, do. | 10,000 00 | |
| 105 | Phœnix Bank, Charlestown | 10,000 00 | $318,612 75 |
| 153 | Maine Bank, Portland | 50,612 75 | |
| 154 | Bank of Cumberland | 70,000 00 | |
| 155 | Granite Bank, Augusta | 25,000 00 | |
| 156 | Peoples' Bank, Bangor | 21,000 00 | |
| 157 | York Bank, Saco | 21,000 00 | |
| 158 | Merchants' Bank, Boston | 50,000 00 | |
| 159 | Commonwealth Bank, do. | 30,000 00 | |
| 160 | Fulton Bank, do. | 10,000 00 | |
| 161 | Hancock Bank, do. | 10,000 00 | |
| 162 | Franklin Bank, do. | 6,000 00 | |
| 163 | Phœnix Bank, Charlestown | 5,000 00 | |
| 164 | Mercantile Bank, Bangor | 20,000 00 | 318,612 75 |
| 282 | Maine Bank, Portland | 75,000 00 | |
| 283 | Bank of Cumberland, do. | 95,000 00 | |
| 284 | Granite Bank, Augusta | 50,000 00 | |
| 285 | People's Bank, Bangor | 33,612 75 | |
| 286 | York Bank, Saco | 35,000 00 | |
| 287 | Mercantile Bank, Bangor | 30,000 00 | 318,612 75 |
| | Total | — | $955,838 25 |
| | NEW HAMPSHIRE. | | |
| 72 | On Commercial Bank, Portsmouth | 23,028 93 | |
| 73 | New Hamshire Bank, do. | 28,000 00 | |
| 74 | Piscataqua Bank, do. | 68,000 00 | |
| 75 | Portsmouth Bank, do. | 18,000 00 | |
| 76 | Merrimack Co. Bank, Concord | 18,000 00 | |

STATEMENT—continued.

| No. | BANKS. | Amount of drafts. | Amount of instalments. |
|---|---|---|---|
| | NEW HAMPSHIRE—Continued. | | |
| 77 | On Mechanics' Bank, do. - | $12,000 00 | |
| 78 | Merchants' Bank, Boston - | 29,000 00 | |
| 79 | Commonwealth Bank, do. - | 10,000 00 | |
| 80 | Fulton Bank, do. - | 10,000 00 | |
| 81 | Hancock Bank, do. - | 10,000 00 | |
| 82 | Franklin Bank, do. - | 5,000 00 | |
| | | | 223,028 93 |
| 165 | Commercial Bank, Portsmouth | 23,028 93 | |
| 166 | New Hampshire Bank, do. - | 33,000 00 | |
| 167 | Piscataqua Bank, do. - | 63,000 00 | |
| 168 | Portsmouth Bank, do. - | 19,000 00 | |
| 169 | Merrimack Co. Bank, Concord | 20,000 00 | |
| 170 | Mechanics' Bank, do. - | 19,000 00 | |
| 171 | Merchants' Bank, Boston - | 26,000 00 | |
| 172 | Commonwealth Bank, do. - | 10,000 00 | |
| 173 | Fulton Bank, do. - | 5,000 00 | |
| 174 | Hancock Bank, do. - | 5,000 00 | |
| | | | 223,028 93 |
| 288 | Commercial Bank, Portsmouth | 30,028 93 | |
| 289 | New Hampshire Bank, do. - | 55,000 00 | |
| 290 | Piscataqua Bank, do. - | 100,000 00 | |
| 291 | Portsmouth Bank, do. - | 23,000 00 | |
| 292 | Merrimack Co. Bank, Concord | 5,000 00 | |
| 293 | Mechanics' Bank, do. - | 10,000 00 | |
| | | | 223,028 93 |
| | Total - - - | - | $669,086 79 |
| | MASSACHUSETTS. | | |
| 83 | On Merchants' Bank, Boston - | 226,057 86 | |
| 84 | Commonwealth Bank, do. - | 55,000 00 | |
| 85 | Fulton Bank, do. - | 65,000 00 | |
| 86 | Hancock Bank, do. - | 65,000 00 | |
| 87 | Franklin Bank, do. - | 17,500 00 | |
| 88 | Phœnix Bank, Charlestown - | 17,500 00 | |
| | | | 446,057 86 |
| 108 | Merchants' Bank, Boston - | 226,057 86 | |
| 109 | Commonwealth Bank, do. - | 55,000 00 | |
| 110 | Fulton Bank, do. - | 65,000 00 | |
| 111 | Hancock Bank, do. - | 65,000 00 | |
| 112 | Franklin Bank, do. - | 17,500 00 | |
| 113 | Phœnix Bank, Charlestown - | 17,500 00 | |
| | | | 446,057 86 |
| 303 | Merchants' Bank, Boston - | 110,000 00 | |
| 304 | Commonwealth Bank, do. - | 88,057 86 | |
| 305 | Fulton Bank, do. - | 110,000 00 | |
| 306 | Hancock Bank, do. - | 55,000 00 | |
| 307 | Franklin Bank, do. - | 36,000 00 | |
| 308 | Phœnix Bank, do. - | 17,000 00 | |
| 315 | Mechanics' Bank do. - | 30,000 00 | |
| | | | 446,057 86 |
| | Total - - - | - | $1,338,173 58 |
| | VERMONT. | | |
| 1 | On Bank of Burlington - - | 30,000 00 | |
| 2 | Bank of Windsor - - | 20,000 00 | |
| 29 | Tradesmens' Bank, New York | 18,000 00 | |
| 30 | Bank of Troy, Troy - - | 15,000 00 | |
| 31 | Union Bank, New York | 28,000 00 | |
| 32 | Seventh Ward Bank, do. - | 35,000 00 | |
| 33 | Merchants' Bank, do. - | 25,000 00 | |
| 34 | Phœnix Bank, do. - | 37,028 93 | |
| 35 | Merch. Exchange Bank, do. - | 15,000 00 | |
| | | | 223,028 93 |
| 182 | Bank of Burlington - - | 30,000 00 | |
| 183 | Bank of Windsor - - | 20,000 00 | |
| 184 | Bank of Troy, New York | 15,000 00 | |
| 185 | Tradesmens' Bank, do. - | 18,000 00 | |
| 186 | Union Bank, do. - | 28,000 00 | |
| 187 | Seventh Ward Bank, do. - | 35,000 00 | |
| 188 | Merchants' Bank, do. - | 25,000 00 | |
| 189 | Phœnix Bank, do. - | 37,028 00 | |
| 190 | Merch. Exchange Bank, do. - | 15,000 00 | |
| | | | 223,023 93 |
| 294 | Bank of Burlington - - | 40,000 00 | |
| 295 | Bank of Windsor - - | 10,000 00 | |
| 296 | Bank of Troy New York | 15,000 00 | |
| 297 | Tradesmens' Bank, - - | 18,000 00 | |
| 298 | Union Bank, do. - | 28,000 00 | |
| 299 | Seventh Ward Bank, do - | 35,000 00 | |
| 300 | Merchants' Bank, do. - | 25,000 00 | |
| 301 | Merch. Exchange Bank, do. - | 15,000 00 | |
| 302 | Phœnix Bank, do. - | 37,028 93 | |
| | | | 223,028 93 |
| | Total - - - | - | $669,086 79 |
| | CONNECTICUT. | | |
| 44 | On Mechanics' Bank, New Haven | 120,000 00 | |
| 45 | Quinebaug Bank, Norwich - | 35,000 00 | |
| 46 | Farm. & Mech. Bank, Hartford | 99,890 20 | |
| | | | 254,890 20 |

STATEMENT—continued.

| No. | BANKS. | Amount of drafts. | Amount of instalments. |
|---|---|---|---|
| | CONNECTICUT—Continued. | | |
| 175 | On Far. & Mechanics' B'k, Hartf'd | $59,890 20 | |
| 176 | Mechanics' Bank, New Haven | 100,000 00 | |
| 177 | Quinebaug Bank, Norwich - | 20,000 00 | |
| 178 | Lafayette Bank, New York | 15,000 00 | |
| 179 | Bank of America, do. - | 20,000 00 | |
| 180 | Manhattan Company do. - | 20,000 00 | |
| 181 | Mechanics' Bank, do. - | 20,000 00 | |
| 343 | Mechanics' Bank, New Haven | 150,000 00 | 254,890 20 |
| 344 | Quinebaug Bank, Norwich - | 25,000 00 | |
| 345 | Bank of America, New York | 24,890 20 | |
| 346 | Manhattan Company, do. - | 20,000 00 | |
| 347 | Mechanics' Bank, do. - | 20,000 00 | |
| 348 | Lafayette Bank, do. - | 15,000 00 | |
| | | | 254,890 20 |
| | Total - - - | - | $764,670 60 |
| | RHODE ISLAND. | | |
| 36 | On Arcade Bank, Providence - | 78,445 10 | |
| 37 | R. Island Union B'k, Newport | 49,000 00 | |
| | | | $127,445 10 |
| 106 | Arcade Bank, Providence - | 78,445 10 | |
| 107 | R. Island Union B'k, Newport | 49,000 00 | |
| | | | 127,445 10 |
| 309 | Bank of America, New York - | 50,000 00 | |
| 310 | Arcade Bank, Providence - | 67,445 10 | |
| 311 | R. Island Union B'k, Newport | 10,000 00 | |
| | | | 127,445 10 |
| | Total - - | - | $382,335 30 |
| | NEW YORK. | | |
| 48 | On Mech. & Farm. Bank, Albany | 80,000 | |
| 49 | Manhattan Company, N. York | 180,000 | |
| 50 | Bank of America. do. | 180,000 | |
| 51 | Mechanics' Bank, do. | 200,000 | |
| 52 | Seventh Ward Bank, do. | 53,173 57 | |
| 53 | Phœnix Bank, do. | 130,000 | |
| 54 | Leather Man. Bank, do. | 85,000 | |
| 55 | Merchants' Bank, do. | 155,000 | |
| 56 | Union Bank, do. | 105,000 | |
| 57 | National Bank, do. | 75,000 | |
| 58 | Bank of Troy, at Troy - | 25,000 | |
| 59 | Merch. Exchange Bank, N. Y. | 45,000 | |
| 60 | Dry Dock Bank, do. | 25,000 | |
| | | | 1,338,173 57 |
| 191 | Mech. and Farm. B'k, Albany | 80,000 | |
| 192 | Manhattan Company, N. York | 180,000 | |
| 193 | Bank of America, do. - | 180,000 | |
| 194 | Mechanics' Bank, do. - | 200,000 | |
| 195 | Seventh Ward Bank, do. - | 53,173 57 | |
| 196 | Phœnix Bank, do. - | 70,000 | |
| 197 | Leather Man. Bank, do. - | 85,000 | |
| 198 | Merchants' Bank, do. - | 155,000 | |
| 199 | Union Bank, do. - | 105,000 | |
| 200 | National Bank, do. - | 75,000 | |
| 201 | Troy Bank at Troy do. - | 25,000 | |
| 202 | Dry Dock Bank, do. - | 25,000 | |
| 203 | Merch. Exchange Bank, do. - | 45,000 | |
| 204 | Brooklyn Bank at Brooklyn - | 30,000 | |
| 205 | Commercial Bank at Buffalo - | 30,000 | |
| | | | 1,338,173 57 |
| 330 | Manhattan Company, N. York | 240,000 | |
| 331 | Mechanics' Bank, do. - | 270,000 | |
| 332 | Bank of America, do. - | 300,000 | |
| 333 | Seventh Ward Bank, do. - | 53,173 57 | |
| 334 | Lafayette Bank, do. - | 40,000 | |
| 335 | Leather Man. Bank, do. - | 80,000 | |
| 336 | Merchants' Bank, do. - | 100,000 | |
| 337 | Union Bank, do. - | 75,000 | |
| 338 | National Bank, do. - | 75,000 | |
| 339 | Dry Dock Company, do. - | 40,000 | |
| 340 | Merch. Exchange Bank, do. - | 25,000 | |
| 341 | Brooklyn Bank at Brooklyn* - | | |
| 342 | Commercial Bank at Buffalo - | 40,000 | |
| | | | 1,338,173 57 |
| | Total - - - | - | $4,014,520 71 |
| | NEW JERSEY. | | |
| 38 | On Trenton Banking Company - | 35,000 | |
| 39 | State Bank at Newark - - | 45,000 | |
| 40 | State Bank at Elizabeth - | 45,000 | |
| 41 | Lafayette Bank at New York - | 28,000 | |
| 42 | Tradesmen's Bank, do. - | 35,000 | |
| 43 | Merchants' Bank, do. - | 66,890 20 | |
| | | | 254,890 20 |
| 206 | Trenton Banking Company - | 25,000 | |
| 207 | State Bank at Newark - - | 85,000 | |
| 208 | State Bank at Elizabeth - | 35,000 | |
| 209 | Lafayette Bank at New York - | 28,000 | |

* No. 341 cancelled and added to No. 330.

STATEMENT—continued.

| No. | BANKS. | Amount of drafts. | Amount of instalments. |
|---|---|---|---|
| | NEW JERSEY—Continued. | | |
| 210 | On Merchants' Bank, New York | $16,890 20 | |
| 211 | Tradesmens' Bank, do. | 35,000 | |
| | | | 254,890 20 |
| 318 | Trenton Banking Company | 35,000 | |
| 319 | State Bank, Newark | 85,000 | |
| 320 | State Bank, Elizabeth | 45,060 | |
| 321 | Lafayette Bank, New York | 20,000 | |
| 322 | Tradesmens' Bank, do. | 25,000 | |
| 323 | Merchants' Bank, do. | 44,890 20 | |
| | | | 254,890 20 |
| | Total | - | $764,670 60 |
| | PENNSYLVANIA. | | |
| 3 | On Girard Bank, Philadelphia | 750,000 | |
| 4 | Moyamensing Bank, do. | 80,838 26 | |
| 5 | Merch. & Man. B'k, Pittsburg | 125,000 | |
| | | | 955,838 26 |
| 212 | Girard Bank, Philadelphia | 750,000 | |
| 213 | Moyamensing Bank, do. | 80,838 26 | |
| 214 | Merch. & Man. B'k, Pittsburg | 125,000 | |
| | | | 955,838 26 |
| 327 | Commercial Bank, Cincinnati | 150,000 | |
| 328 | Merch. & Man. B'k, Pittsburg | 125,000 | |
| 329 | Girard Bank, Philadelphia | 680,838 26 | |
| | | | 955,838 26 |
| | Total | - | $2,867,514 78 |
| | DELAWARE. | | |
| 92 | On Bank of Wilm'n & Brandywine | 27,000 | |
| 93 | Bank of Delaware, Wilmington | 22,583 83 | |
| 94 | Phœnix Bank, New York | 46,000 | |
| | | | 95,583 83 |
| 215 | B'k of Wilm'n & Brandywine | 27,000 | |
| 216 | B'k of Delaware Wilmington | 22,583 83 | |
| 217 | Phœnix Bank, New York | 46,000 | |
| | | | 95,583 83 |
| 324 | B'k of Wilm'n & Brandywine | 36,000 | |
| 325 | B'k of Delaware Wilmington | 22,583 83 | |
| 326 | Phœnix Bank, New York | 37,000 | |
| | | | 95,583 83 |
| | Total | - | $286,751 49 |
| | MARYLAND. | | |
| 8 | On Union Bank of Maryland, Balt. | 220,000 | |
| 9 | Franklin Bank, do. | 98,612 75 | |
| | | | 318,612 75 |
| 218 | Union Bank of Maryland, do. | 220,000 | |
| 219 | Franklin Bank, do. | 98,612 75 | |
| | | | 318,612 75 |
| 316 | Union Bank of Maryland, do. | 220,000 | |
| 317 | Franklin Bank, do. | 98,612 75 | |
| | | | 318,612 75 |
| | Total | - | $955,838 25 |
| | VIRGINIA. | | |
| 10 | On Bank of Virginia at Richmond | 532,809 33 | |
| 14 | Br. Bank of Virginia, Norfolk | 200,000 | |
| | | | 732,809 33 |
| 220 | Bank of Virginia, Richmond | 357,809 33 | |
| 221 | Farm. Bank of Virginia, do. | 200,000 | |
| 222 | Union Bank, New York | 100,000 | |
| 223 | National Bank, do. | 75,000 | |
| | | | 732,809 33 |
| 226 | Girard Bank, Philadelphia | 57,000 | |
| 227 | Union Bank, New York | 100,000 | |
| 228* | Mechanics' Bank, do. | | |
| 238 | National Bank, do. | 60,000 | |
| 239 | Mechanics' Bank, do. | 40,000 | |
| 240† | Farm. B'nk of Virginia, Rich'd | | |
| 241‡ | Bank of Kentucky, Louisville | | |
| 242 | Br. N. B'k of K'y at Louisville | 140,899 33 | |
| 349 | Bank of Kentucky, do. | 83,000 | |
| 350 | Do. do. | 52,000 | |
| 352 | Farm. B'nk of Virginia, Rich'd | 117,190 67 | |
| 353 | Do. do. | 82,809 33 | |
| | | | 732,809 33 |
| | Total | - | $2,198,427 99 |
| | NORTH CAROLINA. | | |
| 65 | On State B'k N. Carolina, Raleigh | 230,000 | |
| 66 | Phœnix Bank, New York | 80,000 | |
| 67 | Merch. Exchange Bank, do. | 55,000 | |
| 68 | Leather Man. Bank, do. | 28,000 | |
| 69 | Girard Bank, Philadelphia | 84,919 13 | |
| | | | 477,919 13 |

* No. 228 recalled.
† No. 240 cancelled, and replaced by Nos. 352 and 353.
‡ No. 241 cancelled, and replaced by Nos. 349 and 350.

STATEMENT—continued.

| No. | BANKS. | Amount of drafts. | Amount of instalments. |
|---|---|---|---|
| | NORTH CAROLINA—Continued. | | |
| 148 | On State B'k N. Carolina, Raleigh | $230,000 | |
| 149 | Phœnix Bank, New York | 80,000 | |
| 150 | Merch. Exchange Bank, do. | 55,000 | |
| 151 | Leather Man. Bank, do. | 28,000 | |
| 152 | Girard Bank, Philadelphia | 84,919 13 | |
| | | | 477,919 13 |
| 263 | State B'k N. Carolina, Raleigh | 230,000 | |
| 264 | Phœnix Bank, New York | 80,000 | |
| 265 | Merch. Exchange Bank, do. | 55,000 | |
| 266 | Leather Man. Bank, do. | 28,000 | |
| 267 | Girard Bank, Philadelphia | 84,919 13 | |
| | | | 477,919 13 |
| | Total | - | $1,433,757 39 |
| | SOUTH CAROLINA. | | |
| 23 | On Plant. & Mech. B'k, Charleston | 170,000 | |
| 24 | Bank of Charleston | 180,474 03 | |
| | | | 350,474 03 |
| 146 | Plant. & Mech. B'k Charleston | 170,000 | |
| 147 | Bank of Charleston | 180,474 03 | |
| | | | 350,474 03 |
| 273 | Plant. & Mech. B'k, Charleston | 200,000 | |
| 274 | Mechanics' Bank, New York | 60,000 | |
| 275 | Girard Bank, Philadelphia | 50,474 03 | |
| 276 | Merchants' Bank, New York | 40,000 | |
| | | | 350,474 03 |
| | Total | - | $1,051,422 09 |
| | GEORGIA. | | |
| 6 | On Plant. B'k, Georgia, Savannah | 125,000 | |
| 7 | Bank of Augusta | 225,474 03 | |
| | | | 350,474 03 |
| 143 | Plant. B'k, Georgia, Savannah | 110,000 | |
| 144 | Bank of Augusta | 210,474 03 | |
| 145 | Insurance Bank of Columbus | 30,000 | |
| | | | 350,474 03 |
| 268 | Plant. B'k, Georgia, Savannah | 100,000 | |
| 269 | Bank of Augusta | 100,000 | |
| 270 | Bank of America, New York | 50,000 | |
| 271 | Manhattan Company, do. | 50,000 | |
| 272 | Mechanics' Bank, do. | 50,474 03 | |
| | | | 350,474 03 |
| | Total | - | $1,051,422 09 |
| | ALABAMA. | | |
| 47 | On State B'nk of Alabama, Mobile | 223,028 93 | |
| | | | 223,028 93 |
| 125 | Branch B'nk Alabama, Mobile | 223,028 93 | |
| | | | 223,028 93 |
| 247 | Do. do. | 223,028 93 | |
| | | | 223,028 93 |
| | Total | - | $669,086 79 |
| | LOUISIANA. | | |
| 224 | On Union Bank of Louisiana, N. O. | 200,000 | * $318,612 76 |
| 225 | Commercial Bank, do. | 118,612 76 | |
| 245 | Union Bank of Louisiana, do. | 100,000 | |
| 246 | Commercial Bank, do. | 59,306 38 | |
| | | | 159,306 38 |
| | Total | - | $477,919 14 |
| | MISSISSIPPI. | | |
| 236 | On Planters' Bank at Natchez | $127,445 10 | |
| | | | 127,445 10 |
| 237 | Agricultural Bank at Natchez | 127,445 10 | |
| | | | 127,445 10 |
| 248 | Do. do. | 127,445 10 | |
| | | | 127,445 10 |
| | Total | - | $382,335 30 |
| | TENNESSEE. | | |
| 11 | On Agricultural Bank at Natchez | 125,000 | |
| 12 | Union B'k of Tenn., Nashville | 202,919 13 | |
| 13 | Plant. B'k of Tenn., do. | 150,000 | |
| | | | 477,919 13 |
| 127 | Union B'k of Tenn., do. | 202,919 13 | |
| 128 | Plant. B'k of Tenn., do. | 150,000 | |
| 129† | Ag. Bank of Miss., Natchez. | | |
| 277 | Bank of Kentucky at Louisville | 37,500 | |
| 278 | Commercial Bank, Cincinnati | 37,500 | |
| 279 | Manhattan Company, N. Y. | 50,000 | |
| | | | 477,919 13 |

* First and second instalments blended.
† No. 129 cancelled, and substituted in lieu thereof Nos. 277, 278, 279.

STATEMENT—continued.

| No. | BANKS. | Amount of drafts. | Amount of instalments. |
|---|---|---|---|
| | TENNESSEE—Continued. | | |
| 280 | On Union B'k of Tenn., Nashville | $300,000 | |
| 281 | Plant. B'k of Tenn., do. | 177,919 13 | |
| | | | 477,919 13 |
| | Total | | $1,433,757 39 |
| | KENTUCKY. | | |
| 27 | On N. B'k of Kentucky, Louisville | 320,000 | |
| 28 | Bank of Kentucky, do. | 157,919 13 | |
| | | | 477,919 13 |
| 133 | N. B'k of Kentucky, Louisville | 320,000 | |
| 134 | Bank of Kentucky, do | 157,919 13 | |
| | | | 477,919 13 |
| 253 | N. B'k of Kentucky, Lexington | 100,000 | |
| 254 | Branch of ditto, Louisville | 100,000 | |
| 255 | Bank of Kentucky, do. | 277,919 13 | |
| | | | 477,919 13 |
| | Total | | $1,433,757 39 |
| | OHIO. | | |
| 15 | On Commercial Bank Cincinnati | 123,000 | |
| 16 | Franklin Bank, do | 200,000 | |
| 17 | Clinton Bank of Columbus | 123,000 | |
| 18 | Franklin Bank, do. | 173,086 78 | |
| 19 | Commercial B'k of Lake Erie | 50,000 | |
| | | | 669,086 78 |
| 135 | Commercial B'k of Cincinnati | 125,000 | |
| 136 | Franklin Bank, do. | 130,000 | |
| 137 | Clinton Bank of Columbus | 50,000 | |
| 138 | Franklin Bank, do. | 144,086 78 | |
| 139 | Commercial B'k of Lake Erie | 60,000 | |
| 140 | Bank of Wooster | 40,000 | |
| 141 | Bank of Cleveland | 40,000 | |
| 142 | Bank of Chillicothe | 80,000 | |
| | | | 669,086 78 |
| 256 | Commercial Bank, Cincinnati | 125,000 | |
| 257 | Franklin Bank, do. | 170,000 | |
| 258 | Franklin Bank, Columbus | 125,000 | |
| 259 | Clinton Bank, do. | 96,458 31 | |
| 260 | Commercial B'k of Lake Erie | 60,000 | |
| 261 | Bank of Cleveland | 52,628 47 | |
| 262 | Bank of Wooster | 40,000 | |
| | | | 669,086 78 |
| | Total | | $2,007,260 34 |
| | MISSOURI. | | |
| 70 | On Agency at St. Louis | 77,445 10 | |
| 71 | Br. B'k, Indiana, Lawrenceb'g | 50,000 | |
| | | | 127,445 10 |
| 119 | Agency at St. Louis | 77,445 10 | |
| 120 | Br. B'k, Indiana, Lawrenceb'g | 50,000 | |
| | | | 127,445 10 |
| 249 | Agency at St. Louis | 77,445 10 | |
| 250 | Br. B'k, Indiana, Lawrenceb'g | 50,000 | |
| | | | 127,445 10 |
| | Total | | $382,335 30 |
| | INDIANA. | | |
| 20 | On Br'h B'k Ind. at Lawrenceburg | 95,583 83 | |
| 21 | Do. Madison | 95,583 83 | |
| 22 | Do. New Albany | 95,583 82 | |
| | | | 286,751 48 |
| 130 | Do. Lawrenceburg | 95,583 83 | |
| 131 | Do. Madison | 95,583 83 | |
| 132 | Do. New Albany | 95,583 82 | |
| | | | 286,751 48 |
| 229 | Do. Lawrenceburg | 63,430 63 | |
| 230 | Do. New Albany | 95,583 83 | |
| 231 | Do. Madison | 127,737 02 | |
| | | | 286,751 48 |
| | Total | | $860,254 44 |
| | ILLINOIS. | | |
| 61 | On Commercial Bank of Cincinnati, payable at St. Louis | 80,000 | |
| 62 | Branch B'k Ind. New Albany | 32,153 19 | |
| 63 | Do. Madison | 32,153 19 | |
| 64 | Bank of Illinois, Shawneetown | 15,000 | |
| | | | 159,306 38 |
| 121 | Agency Com'l B'k Cincinnati at St. Louis | 80,000 | |
| 122 | Branch B'k Ind. New Albany | 32,153 19 | |
| 123 | Do. Madison | 32,153 19 | |
| 124 | Bank of Illinois, Shawneetown | 15,000 | |
| | | | 159,306 38 |
| 232 | Do. do. | 60,000 | |
| 233 | Branch B'k Ind. New Albany | 32,153 19 | |

STATEMENT—continued.

| No. | BANKS. | Amount of drafts. | Amount of instalments. |
|---|---|---|---|
| | ILLINOIS—Continued. | | |
| 234 | On B. B'k Indiana, Lawrenceburg | $32,153 19 | |
| 235 | Agency at St Louis | 35,000 | |
| | | | 159,306 38 |
| | Total | | $477,919 14 |
| | ARKANSAS. | | |
| 25* | On Agricultural Bank at Natchez | – | |
| 26 | Planters' Bank at do. | 45,583 83 | |
| 117 | Do. do. | 45,583 83 | |
| 118 | Agricultural Bank at do. | – | |
| 312 | Commercial B'k of Cincinnati | 33,000 | |
| 313 | Bank of Kentucky, Louisville | 33,000 | |
| 314 | Commercial Bank, N. Orleans | 34 000 | |
| | | | †191,167 66 |
| 243 | Planters' Bank Miss., Natchez | 50,000 | |
| 244 | Agricultural Bank, do | 45,583 83 | |
| | | | 95,583 83 |
| | Total | | $286,751 49 |
| | MICHIGAN. | | |
| 89 | On Bank of Michigan, Detroit | 50,000 | |
| 90 | Bank of River Raisin, Monroe | 20,000 | |
| 91 | Farmers and Mecha's', Detroit | 25,383 83 | |
| | | | 95,383 83 |
| 114 | Bank of Michigan, do. | 50,000 | |
| 115 | Farmers & Mechanics' do. | 25,383 83 | |
| 116 | Bank of River Raisin, Monroe | 20,000 | |
| | | | 95,383 83 |
| 251 | Bank of Michigan, Detroit | 50,000 | |
| 252 | Farmers & Mechanics' do. | 45,383 83 | |
| 351† | Bank of Michigan, do. | 600 | |
| | | | 95,383 83 |
| | | | 600 |
| | | | 286,751 49 |
| | Grand total | | $28,101,641 91 |

TREASURER'S OFFICE, *September* 21, 1837.

JOHN CAMPBELL, *Treasurer U. S.*

*No. 25 and 118 cancelled, and substituted in lieu thereof Nos. 312 313, and 314.

† 1st and 2d instalment blended.

‡No 351 to make up for a deficiency in the orders received for the three instalments.

## O 4.

*Copies of letters in relation to State transfer drafts.*

### O 4—No. 1.

UNITED STATES TREASURY, *February* 14, 1837.

SIR: Having this day issued a *duplicate* of State transfer draft No. 61, for $80,000, on your institution, payable at St. Louis, in favor of the Treasurer of the State of Illinois, you will consider the original as annulled, and the duplicate only payable. Respectfully, &c.

WM. B. RANDOLPH,
*Acting Treasurer United States.*

CASHIER *Commercial Bank Cincinnati.*

*Similar letters to the following banks:*

Bank of Illinois, draft No. 64, for - - $15,000 00
Branch Bank of Indiana, New Albany, No. 62, for - - - - - 32,153 19
Branch Bank of Indiana, Madison, No. 63, 32,153 19

### O 4—No. 2.

UNITED STATES TREASURY, *May* 30, 1837.

SIR: I have this day issued one transfer draft on you, viz. No. 239, in favor of the State of Virginia, for $40,000, payable on the 1st July next.

Respectfully, &c,
JOHN CAMPBELL,
*Treasurer United States.*

CASHIER *Mechanics' Bank New York.*

### O 4—No. 3.

UNITED STATES TREASURY, *May* 30, 1837.

SIR: I have this day issued one State transfer draft on

you, viz. No. 238, in favor of the Treasurer of the Commonwealth of Virginia, payable on the 1st of July next, for $60,000.

I have to inform you that, by instructions from the Secretary of the Treasury, I have this day recalled State draft No. 228, on your institution, in favor of said Commonwealth, for $100,000, in order to be cancelled.

Respectfully, &c.

JOHN CAMPBELL,
*Treasurer United States.*

CASHIER *National Bank, New York.*

O 4—No. 4.

UNITED STATES TREASURY, *May* 30, 1837.

SIR: By instructions from the Secretary of the Treasury, I have to request of you to return to this office, in order to be cancelled, State transfer draft No. 228, in your favor, on the National Bank at New York, for $100,000, in lieu of which other drafts on New York, for a similar amount, will be forwarded to you in due time by the Secretary of the Treasury.

Respectfully, &c.

JOHN CAMPBELL,
*Treasurer United States.*

L. BURFOOT, Esq.
*Treasurer of the State of Virginia, Richmond.*

O 4—No. 5.

UNITED STATES TREASURY, *June* 5, 1837.

SIR: By instructions from the Secretary of the Treasury, I have to inform you that I have recalled, to be cancelled, State transfer draft No. 129, on your institution, for $125,000, in favor of the State of Tennessee.

Respectfully, &c.

JOHN CAMPBELL,
*Treasurer United States.*

CASHIER *Agricultural Bank, Natchez.*

O 4—No. 6.

UNITED STATES TREASURY, *June* 5, 1837.

SIR: I have received your letter of 2d instant, covering transfer draft No. 228, in favor of the State of Virginia, for $100,000, recalled and cancelled, in lieu of which two drafts of the same aggregate sum have been sent to you.

Respectfully, &c.

JOHN CAMPBELL,
*Treasurer United States.*

L. BURFOOT, Esq.,
*Treasurer Commonwealth Virginia, Richmond.*

O 4—No. 7.

UNITED STATES TREASURY, *June* 7, 1837.

SIR: By instructions from the Secretary of the Treasury, I have this day recalled, in order to be cancelled, the following State transfer drafts on your institution, viz:

No. 26, in favor of the State of Arkansas for $50,000 00
No 118, do. do. do. - - 50,000 00

Respectfully, &c.

JOHN CAMPBELL,
*Treasurer United States.*

CASHIER *Agricultural Bank of Mississippi, Natchez.*

O 4—No. 8.

UNITED STATES TREASURY, *June* 7, 1837.

SIR: By instructions from the Secretary of the Treasury, I have this day cancelled the following State transfer drafts, in favor of the State of Arkansas, viz:

No. 26, on the Agricultural Bank at Natchez, for - - - - $50,000 00
No. 118, on the same bank, for - - 50,000 00

In lieu of which I have issued three other transfer drafts in your favor for a similar amount, which will be forwarded to you in due time by the Secretary of the Treasury, viz:

No. 312, on the Commercial Bank of Cincinnati, for - - - - $33,000 00
No. 313, on the Bank of Kentucky, Louisville, for - - - - 33,000 00
No. 314, on the Commercial Bank at New Orleans, for - - - - 34,000 00

All payable on demand.

Respectfully, &c.

JOHN CAMPBELL,
*Treasurer United States.*

TREASURER *of the State of Arkansas, Little Rock.*

O 4—No. 9.

UNITED STATES TREASURY, *June* 20, 1837.

SIR: I have this day issued one transfer draft on you, viz: No. 331, in favor of the State of New York, for $270,000, payable on the 1st July, 1837.

You will please to observe that the above draft is in lieu of one of the same number for $230,000, of which I advised you on the 17th instant, and which, by instructions from the Secretary, I have this day recalled and cancelled.

Respectfully, &c.

JOHN CAMPBELL,
*Treasurer United States.*

CASHIER *Mechanics' Bank, New York.*

O 4—No. 10.

UNITED STATES TREASURY, *June* 20, 1837.

SIR: I have this day issued one transfer draft on you, viz: No. 330, in favor of the State of New York for $240,000, payable on the 1st July, 1837.

You will please to observe that this draft is in lieu of one of the same number of $220,000, of which I advised you on the 17th instant, and which, by instructions of the Secretary of the Treasury, I have this day recalled and cancelled.

Respectfully, &c.

JOHN CAMPBELL,
*Treasurer United States.*

CASHIER *Manhattan Company, New York.*

O 4—No. 11

UNITED STATES TREASURY, *June* 20, 1837.

SIR: By instructions from the Secretary of the Treasury I have to inform you that I have this day recalled and cancelled transfer draft No. 341, for $60,000, on your institution, in favor of the State of New York, of the issue of which draft you were advised on the 7th instant.

Respectfully, &c.

WM. B. RANDOLPH,
*Acting Treasurer United States.*

CASHIER *Bank of Brooklyn, Brooklyn, New York.*

[O 5, 6, and 7, are statements of discredited drafts issued on Treasury, War, and Navy warrants. P 1 to 4 exhibit the condition of the deposite banks for the periods respectively of 1st March, 1st May, and 1st July, 1837. The statement to 15th August succeeding will be found in the Report on the Finances, Appendix, ante page 39.]

## NORTHEASTERN BOUNDARY.

*Message from the President of the United States, transmitting the information required by the resolution of the House of the 13th instant, upon the subject of the Northeastern Boundary of the United States. September* 26, 1837, *read, and laid upon the table.*

*To the House of Representatives of the United States:*

I herewith transmit to the House of Representatives a report from the Secretary of State, accompanied by copies of the correspondence requested by their resolution of the 13th instant.

M. VAN BUREN.

WASHINGTON, *September* 26, 1837.

DEPARTMENT OF STATE,
*Washington, September* 25, 1837.

The Secretary of State, to whom was referred the resolution of the House of Representatives, dated the 13th instant, requesting the President to communicate to that body, "so far as the public interest will permit, the correspondence between the Government of the United States and that of Great Britain, relating to the Northeastern boundary of the United States, since the message of the late President to the Senate of the United States of the 15th of June, 1836, and all the correspondence which has taken place since that period between the Government of the United States and the Governor of the State of Maine, on the subject of alleged transgressions upon the rights of Maine by the British authorities," has the honor respectfully to submit to the President copies of the letters and documents requested by that resolution.

JOHN FORSYTH.

*List of accompanying papers.*

| | | |
|---|---|---|
| Letter from the Governor of Maine to the Secretary of State, (with enclosures,) dated | March | 30, 1837. |
| Same to the President (with enclosures) | April | 30, 1837. |
| Same to same (with enclosures) | June | 27, 1837. |
| Same to same (with enclosure) | June | 19, 1837. |
| Secretary of State to the Governor of Maine | June | 26, 1837. |
| Governor of Maine to the Secretary of State (with enclosures) | July | 3, 1837. |
| Secretary of State to the Governor of Maine | July | 14, 1837. |
| Governor of Maine to the Secretary of State | June | 27, 1837. |
| Secretary of State to the Governor of Maine | July | 19, 1837. |
| Governor of Maine to the President | July | 28, 1837. |
| Secretary of State to the Governor of Maine | Aug. | 17, 1837. |
| Same to same | Aug, | 25, 1837. |
| Mr. Forsyth to Mr. Fox | March | 23, 1837. |
| Mr. Fox to Mr. Forsyth | March | 28, 1837. |
| Same to same | Aug. | 24, 1837. |
| Extract from Mr Stevenson to Lord Palmerston | Aug. | 10, 1837. |

STATE OF MAINE.
EXECUTIVE DEPARTMENT,
*Augusta, March* 30, 1837.

SIR: In compliance with a request of the Legislature of this State, I have the honor to transmit to you the accompanying report and resolutions.

I am, very respectfully, your obedient servant,
ROBERT P. DUNLAP.

The SECRETARY OF STATE.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, *March* 29, 1837.

*The Joint Select Committee who had under consideration the order relating to the expediency of calling the attion of Congress to the subject of fortifying our maritime and interior frontier, have attended to that duty, and ask leave to present the following report:*

One object of the federal compact is "to provide for the common defence and general welfare."

In accordance with these objects of the compact, the General Government has, from time to time, made liberal appropriations for fortifying and defending the several States along our extended maritime frontier, west and south of the western boundary line of this State; east o that line a mere trifle has, as yet, been appropriated for these objects.

Maine has a maritime frontier of about five hundred miles in extent, following the indentations of her shores; and our interior frontier, bounding on New Brunswick on the east and the Canadas on the north, is about six hundred miles in extent.

Considering this great extent of seacoast, her numerous excellent harbors, her noble rivers, and great advantages for ship-building, and her proximity to the fishing grounds, probably no State in the Union possesses the natural advantages for carrying on this branch of industry that Maine does.

It is a fact worthy of consideration, that all maritime nations have looked to their fisheries as the nursery of hardy seamen for the merchant service in time of peace and for the navy in time of war; and, as a great question of national policy, (aside from the inducement to encourage this branch of business as an unfailing source of natural wealth,) it is deemed worthy of the fostering care of all commercial nations.

Already the navigation of Maine is estimated at more than three hundred thousand tons, and exceeded by only two States in the Union; and her increase, annually, of tonnage, is greater than that of any other State.

The abundance of building materials, believed to be inexhaustible, her great conveniences for ship-building along her extended seacoast, her numerous bays, rivers, and harbors, render it highly probable that the day is not far distant when the maritime interests of Maine will exceed that of any of her sister States. And if reliance can be placed upon the statements of a scientific engineer of high respectability and standing, who has, during the past year, under the direction of the government of this State and our parent Commonwealth, made a geological survey of a portion of our State, it may be doubted whether the same extent of territory on the continent contains more real value, viewed in all its bearings, (the facilities of quarrying, manufacturing, exporting, and its influence upon the great interests of the State and nation,) than is contained in our inexhaustible quarries of granite, lime, marble, slate, &c., mines and minerals, in which large and profitable investments are already made. Some of these branches of business have been carried on for many years, and others to a large extent are commencing under the most favorable auspices.

These, together with our agricultural, commercial, and manufacturing interests; our immense forests of invaluable timber; with a water-power of vast extent and value; giving us the means of laying the seaports of the Union under a contribution for ages to come, and warranting the belief that our present shipping interest will be sustained and employed, and a great increase required.

About one-third of the most valuable portion of our territory is claimed by Great Britain; and the history of this protracted controversy, from its commencement to the present time, is such as to awaken general anxiety. We are admonished, by recent events, that we have not yet reached the termination of our toils and embarrassments, and they have awakened the painful apprehension that our just rights may not be secured by honorable negotiation or patient submission to unprovoked injuries. These considerations, in the opinion of your committee, call loudly for the interposition of the General Government, and require at their hands all needful preparation for possible contingencies. The late Governor Lincoln, nearly ten years since, called the attention of the Government to the importance of erecting a strong fortification in some eligible position on the confines of that portion of our territory to which an adverse claim is set up by Great Britain. In the opinion of your committee, the subject has lost none of its interest since that period, but on the contrary, the

events to which we have alluded give to it vastly augmented importance; and, to our view, irrespective of any conditions growing out of the present controversy, a strong fortification upon the Northeastern boundary of the United States, situated far in the interior, and upon the confines of a foreign country, and surrounded by millions of acres of fertile land, destined soon to be peopled with a numerous population of hardy yeomanry, is of high importance.

Our isolated situation, being the Northeastern boundary of the nation, with an interior frontier of upwards of six hundred miles upon a foreign country, and a large proportion of our territory lying between two provinces of Great Britain, and so situated as to render it greatly to the advantage of that nation to possess it; the inflexible determination which she manifests to pursue the course which interest dictates should not be forgotten; the extent of our seacoast, the exposed situation of our seaport towns, lying within a few hours' sail of the British naval depot in the neighborhood of Maine, the disastrous consequences of our defenceless situation during the last war, the great and increasing maritime interests which we have at stake, without one single point where a ship, if dependent upon the United States fortifications, would be safe from the attacks of a frigate: these, and the consideration that little comparatively has yet been done for Maine, seem to our view to constitute irresistible reasons why Maine should no longer be forgotten or neglected in the common defence of the country.

Through all the long-protracted struggles, difficulties, and embarrassments of our infant republic, this portion of our Union has never been urgent or importunate in pressing its claims, but has submitted patiently to the force of circumstances which rendered it necessary to defer them.

But, in the present altered condition of the country; the national debt paid off; at a season of universal peace and unexampled prosperity; with an overburdened treasury, and when it is deemed necessary, to dispose of it, to resort to measures which many eminent statesmen consider unwarranted by the constitution, and which a great portion of the people of the Union consider of doubtful policy: at such a period, and under such circumstances, it is difficult to perceive the justice of longer withholding suitable appropriations for the defence of Maine; and, to our view, they can only be withheld by doing violence to the principles of equal rights, and by neglecting a plain constitutional duty.

Your committee therefore submit the following resolutions. STEPHEN C. FOSTER, *Chairman.*

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STATE OF MAINE.

*Resolve relating to the fortification of frontier States.*

*Resolved*, That the obligation of the Federal Government, under the constitution, when it has the means, to erect suitable fortifications for the defence of the frontier of the States, is a practical duty, not justly to be denied, evaded, neglected, or delayed.

*Resolved*, That our Senators in Congress be instructed and our Representatives requested to use their influence to obtain liberal appropriations for the defence of Maine and the Union.

*Resolved*, That the Governor be requested to transmit copies of the above report and resolutions to the President and Vice President, the Secretaries of State, Navy, and War, and to each of our Senators and Representatives in Congress.

In the House of Representatives, March 30, 1837.
Read and passed. H. HAMLIN, *Speaker.*
In Senate, March 30, 1837.
Read and passed.
J. C. TALBOT, *President.*
March 30, 1837. Approved:
ROBERT P. DUNLAP.

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STATE OF MAINE.
EXECUTIVE DEPARTMENT,
*Augusta, April* 30, 1837.

SIR: In compliance with a request of the Legislature of this State, I have the honor to transmit to your excellency the accompanying report and resolutions.

In behalf of the State of Maine, I would respectfully, yet urgently, call on the President of the United States to cause the Northeastern boundary of this State to be explored and surveyed, and monuments erected in accordance with the request contained in the resolutions which are herewith communicated. As the subject is one in which the people of Maine have a deep interest, I feel a confidence it will commend itself to your early attention.

With high consideration, I have the honor to be, your obedient servant,

ROBERT P. DUNLAP.

His Excellency MARTIN VAN BUREN,
*President of the United States.*

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STATE OF MAINE.
IN HOUSE OF REPRESENTATIVES,
*February* 2, 1837.

The Joint Committee to whom were referred so much of the Governor's message as relates to the Northeastern boundary, and the documents and evidence, together with an order of the two Houses instructing the committee to "inquire into the expediency of providing by law for the appointment of commissioners on the part of the State, by the consent of the Government of the United States, to survey the line between this State and the Province of New Brunswick, according to the treaty of 1783, to establish monuments in such places as shall be fixed by said commissioners and by commissioners to be appointed on the part of the Government of Great Britain," have attended to the duties assigned them, with the industry and solicitude which the importance of the subject demanded. Could the committee have spared the time, and had the means to obtain documents not within the jurisdiction of the State, and consequently out of its power, a more clear, methodical, and perfect view of the subject would have been presented; but as there had been hitherto so much procrastination, and the impatience of the public, already great, was becoming more and more intense, your committee, without further preamble or apology, ask leave to present the following report:

The Legislature and people of Maine, we believe, will not contend that the treaty-making power of the United States does not extend to a final adjustment of a disputed and undefined line of boundary between a State and a foreign nation. *But we do insist* that no power is granted by the constitution of the United States to *limit* or *change the boundary of a State or cede a part of its territory without its consent.* It is even by no means certain how far *such consent* would enable the treaty authority to exert its powers. *Citizens* might be made the subjects of a treaty transfer, and these citizens, owing allegiance to the State and to the Union, and allegiance and protection being reciprocally binding, the right to transfer a citizen to a foreign Government, to *sell* him, might well be questioned, as being inconsistent with the spirit of our free institutions. But, be this as it may, Maine will never concede the principle that the President and two-thirds of the Senate can transfer its territory, much less its citizens, without its permission, given by its constitutional organs.

Your committee, however, deem it but fair to admit that they have discovered no inclination in the General Government, or any department of it, to assume this power. On the contrary, the President has repeatedly declined the adoption of a conventional line deviating from the treaty of 1783, upon the express ground that it could not be done without the consent of Maine.

It is due, nevertheless, to the State of Maine to say, that the committee have no evidence that any conventional line has been proposed to them for their consent. It indeed appears that the consent of Maine had not been given to the adoption of any other boundary than that prescribed by the treaty of 1783, up to the 29th February, 1836, and we are well assured that no proposition for a different boundary has since that time been made to any department of the Government of this State.

The President of the United States on the 15th June last, communicated to the Senate, in compliance with their resolution, a copy of the correspondence relative to the Northeastern boundary. This correspondence embraced a period from the 21st July, 1832, to the 5th March, 1836.

The opinion and advice of the King of the Netherlands, to whom the controversy was referred by the provisions of the treaty of Ghent, was made on the 10th January, 1831, and of the three questions submitted, viz: *the Northeastern boundary*, the *northwesternmost head of Connecticut river*, and the *forty fifth parallel of latitude*, he seems to have determined *but one*. He did decide that the source of the stream running into and through Connecticut lake, is the true northwest head of that river, as intended by the treaty of 1783; and as to the rest he *advises* that it will be *convenient* (il conviendra) to adopt the "Thalweg," the deepest channel of the St. John's and St. Francis, for the north line; and that the 45th degree is to be measured in order to mark out the boundary to the St. Lawrence, with a deviation so as to include Rouse's point within the United States. As to *the convenience* of establishing the St. John's and St. Francis as the northern boundary of of Maine, we have only to observe, that however "convenient" it may be to Great Britain to obtain so large a portion of our territory and waters, it would certainly be very *inconvenient* to us, and inasmuch as we are probably capable of judging of our own "convenience," and have never solicited *the advice* of any one on this point, it is scarcely to be expected that we shall be *advised* to adopt a line so preposterous and injurious.

It was in this view, and in strict conformity with the constitution conferring the treaty power, that the President, on the 7th December, 1831, submitted to the Senate this "award" and "advice" of the King of the Netherlands. Senators were divided on a principal point; some insisting that to carry the award or opinion into effect, was only *in execution* of the treaty, and it therefore belonged exclusively to the President "to take care" that this "supreme law" was faithfully executed, or to reject it altogether.

But the prevailing opinion was, that this "award" or "advice" was *perfecting an unfinished* treaty, and that therefore it could not be effected by the President without "the advice and consent of the Senate, two-thirds of the members present concurring therein." So far from the concurrence of two-thirds *for* the measure, there were *thirty-four to eight against* it, and it was consequently rejected, and a recommendation to the President was adopted, to open a new negotiation to determine the line of boundary according to the treaty of 1783.

It is insisted by the British ministers that a due north line from the monument at the source of the St. Croix, will intersect no highlands described in the treaty of 1783. Now this is an assumption by Great Britain totally unwarranted by any evidence. The boundaries bearing upon the question are thus given: "from the Northwest angle of Nova Scotia, to wit, that angle which is formed by a line drawn due North from the source of the St. Croix river to the highlands; along the said highlands, which divide *the rivers* that empty themselves into the St. Lawrence from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river;" "east by a line to be drawn along the middle of the river St. Croix, from its mouth, in the bay of Fundy, to its source, and from its source directly north to the aforesaid highlands, which divide the rivers that fall into the Atlantic ocean from those which fall into the St. Lawrence.

The first object, starting-place, or *terminus a quo*, is this *northwest angle of Nova Scotia*. It is the corner of the British province, *designated by themselves*. It was presumed, and it is still believed, that they knew the identical spot; we have a right to demand of them to define it. In the treaty of 1783, they were disposed to define it, and hence they say it is *that angle which is formed by a line drawn due north from the source of the St. Croix, to those highlands which divide the rivers that flow into the St. Lawrence from those which flow into the Atlantic ocean.*

Nothing can be more clear than that the British negotiators of the treaty of 1783 had reference to their east and west line, between Canada and Novia Scotia. This, in 1755–'6, was matter of controversey between France and England, the French claiming that it was far south, and the British strenuously contending that these very highlands were even more north than we have endeavored to fix them.

The controversy resulted in a war, which, after the capture of Quebec, was terminated by the peace of 1763, whereby Great Britain obtained both sides of the line, and she then established the north line of Nova Scotia about where we contend it should be. So far from admitting that a due north line from the monument will not intersect the highlands intended by the treaty of 1783, the State of Maine has always insisted, and still insists, that no known obstacle exists to the ascertaining and accurately defining them, and thus establishing the *terminus a quo*, to wit, *the northwest angle of Nova Scotia*. It would seem strange indeed, that as this line, so fully discussed and controverted between the English and French in 1755–'6, should have been left unsettled still, when both provinces became British. It is impossible to imagine such ignorance of so important a point as this northwest angle, so often referred to, and spoken of, as a notorious monument.

The peace of 1783 was considered by Great Britain as *a grant by metes and bounds*. The boundaries were prescribed, and this northwest angle was *the commencement*. Twenty years only before this (1763) Nova Scotia had been organized as a distinct province, then including what are now Nova Scotia and New Brunswick, and this angle was referred to as a boundary without hesitancy or doubt. Indeed, the treaty itself, as if to make assurance doubly sure, fixed it where a due north line from the source of the St. Croix will intersect those highlands which divide the rivers which flow into the *river* St. Lawrence from those which flow into the Atlantic ocean. This source of the St. Croix has been determined and a monument fixed there by the commissioners, under the 5th article of the treaty of 1795, (Jay's.) Now that the assumption that the north line from this monument will intersect or meet no such highlands is entirely gratuitous.

The treaty does not speak of mountains, nor even hills, but of "higlands" that divide rivers flowing different ways. It was well known that rivers did fall into the St. Lawrence and into the Atlantic; that these rivers would run *down* and not *up*, and it was consequently inferred that the *land* from whence these *rivers* flowed must of necessity be *high*, and unless there are to be found in that region *geological phenomena* which exist no where else on the face of the globe, this inference is irresistible.

The truth is that these highlands have never been known and well understood by the British themselves, ever since the grant of James I. to Sir William Alexander, in 1621. The portion of the boundary there given, which relates to this controversy, is from the western spring-head of the St. Croix, by an imaginary line conceived to run through the land northward to the next road of Ship's river or spring, discharging itself into the great river of Canada, and proceeding thence *eastward* along the shores of the

sea of the said river of Canada, to the road, haven, or shore, commonly called *Gaspeck*—(Gaspé.)

The cession of Canada by France made it necessary to define the limits of the province of Quebec, and accordingly his Britannic Majesty, by his proclamation of 7th October, 1763, is thus explicit as to what affects this question: "Passing along the highlands which divide *the rivers* that empty themselves into the said *river* St. Lawrence from those which fall into *the* sea, and also *along the north coast of the bay de Chaleurs* and the coast of the *gulf* of the St. Lawrence to *Cape Rosiers*," &c.

The act of Parliament of the 14th George III, (1774,) defines thus the south line of Canada: "South, by a line from the bay de Chaleurs along the highlands which divide the rivers that empty themselves into the river St. Lawrence from those which flow into *the sea.*" The north line of the grant to Alexander is from the source of the St. Croix to the springhead or source of some river or stream which falls into the river St. Lawrence, and thence *eastward* to Gaspé bay, which communicates with the gulf of St. Lawrence in lat. 49 deg. 30 min., and would make nearly an east and west line. The proclamation of 1763 defines the *south* line of the province of Quebec as passing along the highlands which divide the rivers that fall into the St. Lawrence from those which fall into the sea, and also along the north coast of the bay de Chaleurs to *the gulf* of St. Lawrence. This is the *south* boundary, and consequently in an *east* and *west direction*, but it passes *north* of bay de Chaleurs, wherefore the south boundary of the province must of necessity be north of bay de Chaleurs. The eastern boundary is northerly by the gulf of *Cape Rosiers*, in about lat. 50 deg. long. 64 deg. north of Gaspé bay, and at the mouth of the river St. Lawrence, where it communicates with the gulf or sea. And the act of Parliament makes *this south side* from this same bay along those highlands, and it must *inevitably run west*, or *it is no south* boundary. Now no one can doubt that in the proclamation of 1763 it was the intent to adopt Sir William Alexander's *northern* for this *southern* boundary of the province of Quebec.

Indeed it appears in every commission to the Governor of Nova Scotia and New Brunswick from 1763 to 1784, and after the treaty of peace of 1783, that the province of Nova Scotia extended to the southern boundary of the province of Quebec. It then irresistibly and inevitably follows that a west line from the bay de Chaleurs, intersecting a due north line from the monument, is the identical northwest angle. Now a line from Mars Hill direct to Cape Rosiers, instead of being *easterly*, would be north of northeast, *crossing* the bay de Chaleurs. But passing along its north coast, as the proclamation provides, the line from this Mars Hill must be more northerly still. Indeed the pretence that a pyramidal spur or peak, such as this hill, should constitute the range of highlands mentioned in the treaty, is so utterly visionary that it is entitled to *no sort of respect.*

We may now, by these facts and reflections, give this inquiry a right direction, to wit: to the ascertainment of the north boundary of Nova Scotia, which is the southern boundary of Canada. We have always been lured from this by the British negotiators to the *left* or *west* of this north line from the monument.

No one who is the least conversant with the subject can suppose for a moment that this northwest angle can be found in such a direction. The question for us is, are there any highlands north of the bay de Chaleurs, extending *in a western direction, towards* a north line drawn from the monument? If this line westerly from the bay be not distinctly marked so far as to intersect this north line, the principle is to extend it in the same direction to the place of intersection; that is, if the line between Nova Scotia and Canada is *west* to within say thirty miles of the north line from the monument, and the rest of the way is indefinite or obscure, extend it on in the same direction until you form a point of intersection, and this will be the northwest angle of Nova Scotia. But the truth is, *the highlands are there*, and have been found in running due north from the monument. The elevations were taken by the British surveyor from the source of the St. Croix, at the monument, to the first waters of the Ristigouche; and at Mars Hill, forty miles, the summit of this isolated sugar-loaf was 1,100 feet, and at the termination of the survey at the Ristigouche waters, one hundred miles further, the elevation was 1,600 feet, consequently, the summit of Mars Hill, 1,100 feet above the waters of the St. Croix, is 500 feet lower than the lands at the Ristigouche, and yet the pretence is that there are no highlands but this detached spur, Mars Hill! Still further: the highest position surveyed is nearly fifty miles short of the Metis, which falls into the St. Lawrence, and we do not perceive that the elevations have been taken there at all; but we do find it is here that *the waters separate*, and consequently the land must be still higher.

In failure of highlands, (*assumed* not to exist,) the British negotiators claim a line which, instead of dividing the St. Lawrence and Atlantic waters, would actually extend between two rivers, *both of which fall into the Atlantic.*

To say nothing of the absurdity, not to say ignorance, of such a claim, it is enough that it is in the teeth of the treaty itself. It is painful to repeat the argument that no other highlands were intended, for all others were expressly excluded but those which divide the waters that flow in those different directions. The effect of their construction, as we all know, is to give them the whole of the St. John, with all its tributaries, and a tract of territory south of that river, equal at least to seventy-five miles square.

Whether, from the peaceful spirit of our Government, the christian patience of Maine, or the "modest assurance" of the British negotiators, any or all, certain it is, that his Britannic Majesty's pretensions *are growing every day.* It is not only an after-thought, but one very recently conceived, that we were to be driven south of the St. John.

His Britannic Majesty's agent, (Mr. Chipman,) who has been lately urging us south of that river, was also agent to the commission under the treaty of 1795, to ascertain the true St. Croix, and in insisting on a more *western* branch of this river, gives as a reason, that a line due north will cross the St. John's *farther up*, whereas, if you take an *eastern* branch, such line will cross near Fredericton, the seat of Government of New Brunswick, and materially infringe upon his Majesty's province. He not only admits, but contends, that this north line *must* cross the river. Here are his words: "This north line must of necessity cross the river St. John's." Mr. Liston, the British minister, in a private letter to Mr. Chipman, of 23d October, 1798, recommends a modification of the powers of the commissioners, for the reason that *it might give Great Britain a greater extent of navigation on the St. John's river.* The same agent (Mr. Chipman) was also agent under the fourth article of the treaty of Ghent, and we find him contending there, that the northwest angle of Nova Scotia is the same designated in the grant to Sir William Alexander in 1621, subject only to such alterations as were occasioned by the erection of the province of Quebec in 1763. Now we have already seen that this south line of the province of Quebec, so far from *altering* this northwest angle, in fact confirms it.

In perfect accordance with this disposition to encroach, is a proposition of the British minister, (Mr. Vaughan,) that inasmuch as the highlands cannot be found by a due north direction from the monument, we should *vary west* until we should intersect them, *but not* EAST! Now that, in case a monument cannot be found in the course prescri-

bed, you should look for it *at the left, but not to the right*, seems to us a very *sinister* proposition. We have shown, and, as we think, conclusively, that the range of highlands is to be looked for on British ground, and nowhere else; because it is their own boundary, and a line which must, with an ascertained north line, form the angle of one of their own provinces. And yet we are not to examine there at all; we have never explored the country there, and are expected to yield to such arrogant, extravagant, and baseless pretensions!

We would ask why, in what justice, if we cannot find the object in the route prescribed, are we to be thus trammelled? Where is the *reciprocity* of such a proposition, so degrading to the dignity and insulting to the rights and liberties of this State? No! the people of Maine will not now, and we trust they never will, tamely submit to such a *one-sided* measure.

The next restriction or limitation with which this negotiation is to be clogged, is an admission that the Ristigouche and St. John's are not Atlantic rivers, because one flows into the bay de Chaleurs, and the other into the bay of Fundy, yet neither falls into the river St. Lawrence. They would then find those highlands between the St. John's and the Penobscot. There cannot be a more arrogant pretension or palpable absurdity. Suppose the waters of both these rivers are excluded as flowing *neither way*, still the waters that flow *each way* are so far separated as to leave a tract of country which, if equally divided, would carry us far beyond the St. John's. But we admit no such hypothesis. The *Atlantic* and the *sea* are used in the charters as synonymous terms. The Ristigouche, uniting with the bay de Chaleurs, which communicates with the sea, and the St. John's, uniting with the bay of Fundy, which also communicates with the sea, and that, too, by a mouth of ninety miles wide, are both Atlantic rivers. These rivers were known by the negotiators not to be *St. Lawrence rivers*; they were known to exist, for they were rivers of the first class. If they were neither St. Lawrence nor Atlantic, why were they not excepted? They were not of the former, therefore they must be included in the latter description. Indeed, if rivers uniting with Atlantic bays are not Atlantic rivers, the Penobscot and Kennebec, which unite with the respective bays of Penobscot and Sagadahock, would not be Atlantic rivers; and then, where are those highlands which divide the waters referred to in the treaty of 1783? Should we leave this question unsettled a little longer, and the British claims continue to increase, we might very soon find these highlands south of the Connecticut, and all the intermediate country would be *recolonized* by "construction." We therefore invoke the sympathy of all New England, with New York besides, to unite against this progressive claim—this avalanche, which threatens to overwhelm *them as well as ourselves*.

Again, if this Mars Hill (and we confess we cannot speak of the pretension with any patience) *is the northwest angle*, and the north boundary of Nova Scotia and the south boundary of the province of Quebec are the same, and north of the bay de Chaleurs, then there is indeed *no* northwest angle; for a line due north from the monument, passing by Mars Hill, must pursue nearly the same direction to get to the north of that bay without crossing it; and who ever thought of an angle at the side of a continuous line? Now, according to the British maps, taken in this very case, you must run a course of north, about fourteen degrees east, to obtain the north side of the bay without crossing it, and the distance would be, in this almost due north direction, more than one hundred miles, while that from the monument to Mars Hill would be little more than forty. Now, when we consider that this northerly line must form nearly a right angle to pass along the north shore of the bay de Chaleurs, that this is one hundred miles farther north than Mars Hill, where, instead of an angle, there can be only an inclination of fourteen degrees, can there be a greater absurdity than the British claim, founded on these facts?

We will now present some facts and remarks in regard to the surveys and explorings made by the commission under the 5th article of the treaty of Ghent: and the first fact that occurs is, that the elevations taken by the British surveyor stop far short of where the waters divide, and we find no proof that these elevations were carried through by our own surveyors. If the British surveyor, after ascertaining *he was still ascending*, and had, in fact, arrived at the lands, at *a branch of a river* elevated five hundred feet above the summit of Mars Hill, *found it prudent to stop short*, we see no good reason why the American agent did not *proceed on* and take accurate elevations at a place where the waters divide. If such a survey was made, the committee have not been able to obtain the evidence; it is not in the maps or documents in the library or office of the Secretary of State, and the committee believe that no such elevations have been taken northerly of the first waters of the Ristigouche. It is, indeed, a little singular that we have so little evidence, not only in regard to this height of land, but also of the rivers which flow into the St. Lawrence *to the left*, and *especially to the right* of the north line from the monument.

We know some of them, to be sure, such as the *Oelle*, *Kamonska*, *Verte*, *Trois Pistoles*, *Remouskey*, and *Metis*, on the left, and the *Blanche*, *Louis*, *Magdalen*, and others, on the right of this line, but we know them chiefly as *on maps*, and as transcribed from older maps, but very little from actual survey or even exploration. An examination of the sources of those rivers at the right of this north line, with the important natural boundary, the north shore of the bay de Chaleurs, would accurately define the divisional line between the province of Quebec and Nova Scotia, which, extending west, would intersect the due north line, and thus form the northwest angle of Nova Scotia.

It moreover appears that little or no exploration has been made of the lands *east* of the due north line. It seems strange to us, although it may be satisfactorily explained, why we should have been drawn away from this very important region. It is, indeed, the true source of inquiry. In this direction the evidence is to be found; and Maine can never be satisfied until it is looked for here.

An extraordinary method of adjusting this question, though in perfect accordance with other pretensions, has been proposed by Great Britain—that the disputed territory should be divided in equal portions, each party being satisfied of the justice of its claims. To this proposition we cannot subscribe. It is equally unjust between nations and individuals. Whether a party in controversy is satisfied or not with the justice of his claims, is what is only known to himself, and, consequently, the one whose claims are most exhorbitant, however unjust, will always get the best end of the bargain. But such a rule would, in this case, apply most unfortunately to Maine. We are limited, at farthest, to the St. Lawrence, and to a very narrow point there, while the British may extend their claims to the south and west indefinitely. Establish this principle, and we shall soon find their claims, already so progressive, stretched over to the Piscataqua, and then if we are to divide equally both as to *quantity* and *quality*, the divisional line then would fall south of the Kennebec. If the want of the consent of Maine is the obstacle to such an adjustment, we trust it will always remain an insuperable one. Indeed, we protest against the application to us of such a rule, as manifestly unequal and unjust.

We come now to the recent transactions of the British colonial authorities, sanctioned, as it appears, by the Government at home; and we regret to perceive in them, also, those strong indications of continual and rapid encroachment which have characterized that Government in the whole of this controversy. Mr. Livingston, in his letter of the 21st

of July, 1832, proposes that, "until the matter be brought to a final conclusion, both parties should refrain from the exercise of jurisdiction;" and Mr. Vaughan, in reply of 14th April, 1833, in behalf of his Government, "entirely concurs." Here, then, the faith of the two Governments is pledged to abstain from acts of jurisdiction until all is settled. Now, how are the facts? We understand, and, indeed, it appears by documents herewith exhibited, that an act has passed the Legislature of New Brunswick, "incorporating the St. Andrew's and Quebec railroad company;" that the King has granted £10,000 to aid the enterprise, and that the Legislature of Lower Canada, by its resolutions of both Houses, has approved the scheme and promised its co-operation. It may be that the Government at home was not aware that this railroad must inevitably cross the disputed territory.

But this ignorance of the subject seems incredible. A railroad from St. Andrew's to Quebec would be impossible unless it crossed the territory in question—even next to impossible and totally useless were it to pass at the north of the St. John's. It seems therefore extraordinary indeed, that the British Government, even in the incipient stages of this enterprise, should make an appropriation which is in direct violation of its solemn pledge. To give to a railroad corporation powers over our rights and property is the strongest act of sovereignty. It is an act of delegated power which we ourselves give to our own citizens with extreme caution, and with guarded restrictions and reservations. This railroad must not only cross the disputed territory, but it crosses it fifty miles south of the St. John's, and almost to the southerly extremity of the British claim, extravagant as it is. By the map herewith exhibited of the survey of the route, it appears that the road crosses our due north line at Mars Hill, thence doubling round it towards the south, it crosses the Roostic between the Great and Little Machias, the Alleguash at the outlet of First Lake, a branch of the St. John's south of Black river, and passes into Canada between "Spruce Hills" on the right, and "Three Hills" on the left, thus crossing a tract of country south of the St. John's, one hundred by fifty miles. We have not a copy of the act of incorporation of New Brunswick, and cannot, therefore, say that the route there defined is the same as on the map. Be this as it may, certain it is, as any one will see, that no possible route can be devised which will not cross the territory in question. It is, then, a deliberate act of power, palpable and direct, claiming and exercising sovereignty far south even of the line recommended by the King of the Netherlands.

In all our inquiries and examinations of this subject there has been great negligence in regard to this northwest angle. Judge Benson, one of the commissioners under Jay's treaty, in a letter to the President of the United States, expressly and clearly defines this angle. He states distinctly that the due north line from the source of the St. Croix, is the west side line, and the highlands are the north side line which form this angle, and this had never been questioned by the British themselves.

This due north line, viz: the west side line, was established by the commission of which Judge Benson was a member, and the British have made the north side line to be north of the bay de Chaleurs, and yet with these postulates, to pretend that the points of intersection cannot be found, is one of the greatest of their absurdities. And another absurdity quite equal is, that, after passing west along the north shore of this bay, they would fall down nearly south more than one hundred miles to Mars Hill, about sixty miles from the south shore of the province, at the bay of Passamaquoddy, which is a part of the bay of Fundy; and this point, too, of so little inclination, that it is a palpable perversion of language to call it an angle, much more a northwest angle.

It is indeed time for us to begin to search, and in the right places too, in order to put a stop to these perpetual encroachments upon our territory and rights. Our first object should be to ascertain and trace the north boundary of Nova Scotia, which is the south boundary of the province of Quebec, and see if Canada comes as far down as Mars Hill. And we should proceed to finish taking the elevations on the due north line to some point where the waters divide. The General Government should be immediately called on to execute the work, with the co-operation of Massachusetts and Maine. Notice should be given to the British authorities to unite in the undertaking, and, if they refuse, our Government ought to proceed *ex parte*. The act would be entirely pacific, as the object would be to ascertain facts; much more pacific than the survey, without notice, of the St. Andrew's and Quebec railroad, through our territory, not for the purpose of ascertaining a boundary, but to assume jurisdiction.

Your committee have gone through this tedious investigation with all the deliberation, exactness, and candor, which our time, means, and feelings would allow. Our animadversions may, in some instances, have been strong, and even severe, but we think we have expressed the sentiments and feelings of the people of Maine, suffering under protracted injuries. This State should take a firm, deliberate, and dignified stand, and one which it will not retract. While it awards to the General Government all its legitimate powers, it will not be forgetful of its own. We call upon the President and Congress; we invoke that aid and sympathy of our sister State which Maine has always accorded to them; we ask, nay, we demand, in the name of justice, how long we are to be thus trampled down by a foreign people? and we trust we shall meet a cordial and patriotic response in the breast of every republican of the Union.

Your committee, therefore, submit the following resolutions.

L. J. HAM,
NATH'L S. LITTLEFIELD,
SAMUEL P. BENSON,
EBENEZER HIGGINS,
JOHN R. REDMAN,
} *of the Senate.*

JOHN HOLMES,
J. A. LOWELL,
NATHAN IDE,
DANIEL SMALL,
SEWALL PRESCOTT,
EPHRAIM WEEKS,
JAMES BURBANK,
CHARLES HUNT,
JOHN D. RICHARDS,
} *of the House.*

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## STATE OF MAINE.

*Resolves relative to the Northeastern Boundary.*

*Resolved*, That we view with much solicitude the British usurpations and encroachments on the Northeastern part of the territory of this State.

*Resolved*, That pretensions so groundless and extravagant indicate a spirit of hostility which we had no reason to expect from a nation with whom we are at peace.

*Resolved*, That vigilance, resolution, firmness, and union on the part of this State, are necessary in this state of the controversy.

*Resolved*, That the Governor be authorized and requested to call on the President of the United States to cause the Northeastern boundary of this State to be explored and surveyed and monuments erected according to the *treaty* of 1783.

*Resolved*, That the co-operation of Massachusetts be requested.

*Resolved*, That our Senators in Congress be *instructed* and our Representatives *requested* to endeavor to obtain a *speedy* adjustment of the controversy.

*Resolved*, That copies of this report and resolution be transmitted to the Governor of Massachusetts, the President of the United States, to each of our Senators and Representatives in Congress, and other Senators in Congress, and the Governors of the several States.

In the House of Representatives, March 24, 1837. Read and passed.

H. HAMLIN, *Speaker.*

In Senate, March 25, 1838. Read and passed.

J. C. TALBOT, *President.*

March 25, 1837. Approved:

ROBERT P. DUNLAP.

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STATE OF MAINE.

EXECUTIVE DEPARTMENT,
*Augusta, June* 27, 1837.

SIR: I lose no time in communicating to your excellency a copy of a letter from Sir John Harvey, Lieutenant Governor of the province of New Brunswick, and also a letter from J. A. Maclauchlan to Sir John Harvey, in relation to the arrest and imprisonment of Ebenezer S. Greely.

I have the honor to be, with high considerations, your obedient servant. ROBERT P. DUNLAP.

His Excellency MARTIN VAN BUREN,
*President of the United States.*

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GOVERNMENT HOUSE, FREDERICKTON, N. B.,
*June* 12, 1837.

SIR: Since I had the honor of addressing your excellency under date the 6th instant, announcing my assumption of the administration of this Government, a report has been laid before me by the warden of the disputed territory, a copy of which I feel it to be an act of courtesy towards your excellency to lose no time in communicating to you.

In including the territory within the limits of the British claim in the census which "Ebenezer Greely" appears to have been instructed to take of the population of the county of "Penobscot," he has evidently acted in ignorance or under a misconception of the subsisting relations betwixt England and the United States of America, which I cannot allow myself to doubt that your excellency will lose no time in causing to be explained and removed. Though necessarily committed to confinement, I have desired that every regard may be shown to Greely's personal convenience, consistent with the position in which he has "*voluntarily*" placed himself: I use this expression because, as your excellency will observe, Greely was informed by the warden that if he would desist from the act in which he was engaged and the language which he was holding to the people of the Madawaska settlement, (acts constituting not only an interference with the acknowledged rights of jurisdiction of this province, but the positive exercise within its limits of actual jurisdiction, however unauthorized on the part of the State of Maine,) and would withdraw from this district, he should be allowed to do so, otherwise, that in the discharge of the duties imposed upon him by his office, he (the warden) who is in the commission of the peace, must be under the necessity of apprehending, in order to make him amenable to the laws of the province. This proposal Greely rejected, and was accordingly committed to jail, to be dealt with according to law. In the mean time, as an evidence of my desire to cultivate the most friendly understanding with the government of the State of which Greely is a citizen, I lose no time in saying that, upon receiving an assurance from your excellency that your authority shall be exerted in restraining this or any other citizen of the State of Maine from adopting proceedings within the British limits, (as claimed,) calculated to infringe the authority and jurisdiction of this province, and to disturb and unsettle the minds of that portion of its inhabitants residing in the disputed territories, until the question in dispute be brought to a final settlement, Greely shall be immediately enlarged.

Trusting that your excellency will see in this proposition an anxious desire on my part to redeem the pledge given in my communication of the 6th instant,

I have the honor to be, your excellency's most obedient humble servant.

J. HARVEY,
*M. G., Lt. Governor, &c.*

His Excellency the GOVERNOR
*of the State of Maine.*

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FREDERICKTON, NEW BRUNSWICK,
*June* 10, 1837.

MAY IT PLEASE YOUR EXCELLENCY: In obedience to your excellency's instructions, communicated to me through the Advocate General, in the absence of the Attorney and Solicitor Generals, I have now the honor to report, for the information of your excellency, that I proceeded with the least possible delay to the Madawaska settlement. On my arrival at the Great falls, one hundred and thirty miles from hence, I was informed that the American citizen, Ebenezer S. Greely, had passed up the day previous, for the purpose of again proceeding with the census of the inhabitants of Madawaska, under authority from the State of Maine. Aware of the probable excitement that would naturally arise between the two Governments from this circumstance, and at the same time fully convinced that his Majesty's Government would but regret any unnecessary misunderstanding during the pending negotiation, I thought it advisable to call upon Mr. Coombs, a magistrate residing twelve miles above the falls, and request him to accompany me, which he readily did, to witness the conversation between Mr. Greely and myself.

We then proceeded; and overtook Mr. Greely a short distance above Green river, about twenty-four miles from the falls, having ascertained by the inhabitants, as he passed up the river, that Mr. Greely was the whole of the previous day employed in taking down their names, number of each family, and stating they would shortly receive from the State of Maine, a sum of money not exceeding three dollars for each head of family, out of the surplus revenue of the United States.

I required Mr. Greely to show me his instructions for exercising authority in Madawaska, when he handed me a document, a copy of which I beg to enclose to your excellency, and after perusing the same I returned it with my opinion that I really thought he (Mr. Greely) had mistaken the intention of his instructions, as no allusion was made either to that settlement or the territory in dispute, and therefore, if he would then desist in taking the census, I would take no notice of what had passed. Moreover, in reply to my advice and request, he (Mr. Greely) remonstrated, and attempted to make it appear that he would be fully borne out by his Government in what he had done; and that it was also his intention to complete the census if he was not prevented. This reply I regret having left me no alternative but to make him a prisoner, which I did on Wednesday the 7th instant. On Friday evening I arrived at Frederickton, and this morning, (Saturday,) by the advice of the Advocate Generals, I committed him to the jail of the county of York.

I have the honor to be your excellency's most obedient, humble servant,

J. A. MACLAUCHLAN,
*Warden of the disputed territory.*

His Excellency Maj. Gen. Sir JOHN HARVEY,
*Lieutenant Governor, &c.*

STATE OF MAINE.

EXECUTIVE DEPARTMENT, *June* 19, 1837.

SIR: I have the honor to enclose to your excellency the copy of a letter which came to hand by the last mail, by which it appears that Ebenezer S. Greely, Esq., the agent employed by the county commissioners for the county of Penobscot to take the census of the town of Madawaska, has been arrested by the authorities of the province of New Brunswick, and is now incarcerated in the jail at Frederickton.

In this state of things it becomes my painful duty to make this communication to your excellency, and to insist that prompt measures be adopted by the Government of the United States to effect the early release of the aforementioned citizen.

I have the honor to be, with great respect, your obedient servant, ROBERT P. DUNLAP.

His Excellency MARTIN VAN BUREN,
*President of the United States.*

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FREDERICKTON, PROVINCE NEW BRUNSWICK,
*June* 12, 1837.

SIR: On the 15th of May last, I was appointed by the county commissioners of Penobscot county to take the census of Madawaska. On the 6th of June instant, I was arrested by Mr. Maclauchlan, from this place, and committed to jail by him, and there I now remain in the prison at Frederickton. I was committed on the 10th instant. I addressed a letter to you on the 10th, which has gone by the way of St. Andrew's. Fearing that letter will not arrive soon, I write again to-day by way of Houlton. I have described my arrest more particularly in my first letter, which you will undoubtedly receive before long; therefore, I only give the facts in this, having a chance, by the assistance of Mr. Lombard, of Hallowell, of forwarding this to Houlton privately. I was employed in business of the State, and do expect my Government will intercede and liberate me from prison in a foreign and adjacent province. I shall be pleased to receive a line from you expressing your opinion, direction, &c.

I remain, sir, respectfully, your obedient servant,
EBENEZER S. GREELY.

ROBERT P. DUNLAP, Esq.
*Governor of Maine.*

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DEPARTMENT OF STATE,
*Washington, June* 26, 1837.

SIR: I have the honor, by direction of the President, to acknowledge the receipt of your letter to him of the 19th instant, enclosing the copy of a communication dated the 12th of the same month, addressed to you by Ebenezer S. Greely, Esq., the agent employed by the county commissioners for the county of Penobscot to take the census of the town of Madawaska; from which it appears that he has been arrested by the authorities of the province of New Brunswick, and is now in confinement in the jail at Frederickton; and insisting that prompt measures be adopted by the Government of the United States to effect the early release of the above-named citizen.

The circumstances attending this outrage, as given in Mr. Greely's letter, are not sufficient, in the view of the President, to warrant the interference of the Government at present. For what cause, at what place, and by what authority, the arrest was made, is not stated. The necessary explanations may be found, perhaps, in the previous communication which Mr. Greely refers to as having been addressed to you by him on the 10th June; if not, it is probable that you will easily be able to obtain explicit information from other sources, and communicate it to this Department. It is indispensable that a full knowledge of all the facts illustrative of the case should be in possession of the Government before any formal application for redress can be properly preferred.

In the mean time, I have, in conversation, unofficially called the attention of Mr. Fox, the British minister at Washington, to this complaint, and he has given me an assurance that he will immediately address a representation on the subject to the Governor of New Brunswick, requesting, unless there shall be some very extraordinary reasons against it, that Mr. Greely may be set at liberty.

I am, sir, your obedient servant,
JOHN FORSYTH.

His Excellency ROBERT P. DUNLAP, Esq.
*Governor of Maine.*

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STATE OF MAINE.

EXECUTIVE DEPARTMENT, *July* 3, 1837.

SIR: I have had the honor to receive yours of the 26th of June last, in which, by direction of the President, you indicate that the circumstances detailed in Mr. Greely's letter relative to his arrest and imprisonment are not of themselves, without further explanation, sufficient to justify the interference of the Government of the United States. This information is received with some surprise, and much regret: surprise, because I had understood Mr. Greely's communication to show, that while employed within the limits of this State, and under its authority, on a business intrusted to him by the laws of the State, he was, without being charged or suspected of any other offence, seized and transported to a foreign jail; regret, inasmuch as the feelings of the people of this State have been strongly excited by this outrage upon the honor and sovereignty of Maine; and each additional day's confinement which that unoffending citizen endures, is adding to the indignation of our citizens. I therefore hasten to lay before you a summary of the transactions connected with this subject, as they are gathered from Mr. Greely's communications to this Department. The facts are to be considered the less indisputable, because they are in the main confirmed by the statements contained in the letter of the Lieutenant Governor of the province of New Brunswick, by whose order the imprisonment was made, and a copy of which I recently had the honor of transmitting to the President.

On the eighth day of March last, the Legislature of this State passed an act relative to the surplus revenue, a copy of which is enclosed, to the eleventh, twelfth, and thirteenth sections of which I beg leave to refer your attention. An additional act was passed on the 29th day of March last, a copy of which I also enclose. By this last-named act, it became the duty of the county commissioners of Penobscot county to cause an enumeration to be taken of the inhabitants of said county residing north of the surveyed and located townships. The tract thus defined comprised the town of Madawaska, which was incorporated by this State on the 15th of March, 1831. Pursuant to that requirement, the county commissioners of said county appointed Ebenezer S. Greely to perform that service; and being duly commissioned, he forthwith proceeded to the place designated, and entered upon the required operations. Being thus employed, he was, on the 29th day of May last, arrested by the authorities of the province of New Brunswick, and conveyed to Woodstock, in the county of Carleton, in said province; but the sheriff of the county refused to commit him to jail, and he was accordingly discharged. He immediately returned to the Madawaska settlements, to enter again upon the duty intrusted to him. On the 6th day of June last, he was arrested a second time by the same authorities, and committed to the jail at Frederickton. It is for this act of obedience to the laws of his Government, that Mr. Greely now lies incarcerated in a public jail in the province of New Brunswick. Is

not redress urgently called for? Must not this unoffending citizen be immediately released?

Permit me, sir, to add my confident belief that the President, on this presentation of the facts relative to this outrage upon the national as well as the State rights, will not fail to demand the immediate release of Ebenezer S. Greely, and to interpose suitable claims of indemnity for the wrongs so wantonly enforced upon him.

I am, very respectfully, your obedient servant,

ROBERT P. DUNLAP.

Hon. John Forsyth,
*Secretary of State of United States.*

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An additional act providing for the distribution and repayment of the public money apportioned to the State of Maine on deposite by the Government of the United States.

Sec. 1. *Be it enacted by the Senate and House of Representatives in Legislature assembled,* That the time allowed to the respective cities, towns, and plantations, in which to take the census and make returns thereof to the State treasurer is hereby extended to the twentieth day of June next.

Sec. 2. *Be it further enacted,* That the treasurer is hereby directed to distribute the amount of the second instalment of the surplus revenue among the cities, towns, and plantations, according to the number of their respective scholars, as borne on the school fund apportionment of the present year. And the third instalment shall be distributed according to the same apportionment, unless the census required by the act to which this is additional shall be fully made, and the returns thereof to the treasurer completed, by the first day of July next.

Sec. 3. *Be it further enacted,* That the third and fourth instalments shall be distributed among the towns, plantations, cities, and unincorporated places, in such manner as that the aggregate of the four instalments shall be in exact proportion to their population, as ascertained by said census.

Sec. 4. *Be it further enacted,* That, in addition to the enumeration required by the act aforesaid to be taken by the county commissioners, it shall be the duty of the county commissioners of the county of Penobscot to take the enumeration or census of all the inhabitants of said county residing north of the surveyed and located townships.

Sec. 5. *Be it further enacted,* That the treasurer be directed to cause the first section of this act to be forthwith published in all the newspapers that publish the laws of the State.

Sec. 6. *Be it further enacted,* That the act to which this is additional, and also this act, shall take effect and be in force from the times of the passage thereof respectively.

[Approved by the Governor March 29, 1837.]

11th, 12th and 13th sections of an act providing for the disposition and repayment of the public money apportioned to the State of Maine on deposite by the Government of the United States.

Sec. 11. *Be it further enacted,* That, for the purpose of ascertaining the population of the several cities, towns, and plantations, in this State, the aldermen of cities, the selectmen of towns, and the assessors of plantations, are hereby authorized, at the expense of their respective cities, towns, and plantations, to cause the number of the inhabitants thereof, (omitting in such enumeration foreigners not naturalized, whose residence has not been established at least four years in any of the cities, towns, or plantations, or other place wherein such enumeration is to be made, and Indians not taxed,) to be taken, according to the directions of this act. The said enumeration shall distinguish all persons under the age of four years; those of four and under twenty-one; and those of twenty-one and upwards, belonging to each city, town, and plantation in this State, on the first day of March, eighteen hundred and thirty-seven.

Sec. 12. *Be it further enacted,* That said aldermen, selectmen, or assessors, or such person or persons as shall be appointed by them for that purpose, shall respectively, before entering upon the performance of their duty as aforesaid, take and subscribe an oath or affirmation, before some justice of the peace, for the faithful performance of their duties, in substance as follows:

I, —— ——, of ———, do solemnly swear (or affirm) that I will truly and faithfully make a full and perfect enumeration and description of the persons resident within the —— of —— on the first day of March, eighteen hundred and thirty-seven, and return the same to the treasurer of Maine, agreeably to the directions of an act entitled "an act providing for the disposition and repayment of the public money apportioned to the State of Maine on deposite by the Government of the United States," according to the best of my ability; and that I will make said enumeration and description by actual inquiry at every dwelling-house in said —— or personal inquiry of the head of every family, and not otherwise.

Sec. 13. *Be it further enacted,* That said enumeration shall be fully completed, and accurate returns thereof made to the treasurer of the State, on or before the twentieth day of April next; which returns shall be made in a schedule, the form of which (with the form of the oath specified in this section) shall be provided and furnished by said treasurer, and they shall distinguish the several families by the name of their master, mistress, or head. And the person taking such enumeration shall take and subscribe upon the returns rendered by him, an oath or affirmation as follows:

I, —— ——, do solemnly swear (or affirm) that the number of persons set forth in the return made by me, agreeably to the provisions of the act entitled "an act providing for the disposition and repayment of the public money apportioned to the State of Maine on deposite by the Government of the United States," has been ascertained by an actual inquiry at every dwelling house, or a personal inquiry of the head of every family, in conformity with the provisions of said act; and that the return aforesaid is correct and true, according to the best of my knowledge and belief. A. B.

And the blank forms which the treasurer is to transmit shall be forwarded to the sheriffs of the respective counties, whose duty it shall be to cause the same to be forthwith distributed to the clerks of the respective cities, towns, and plantations. And the sheriff's bill therefor shall be presented to the Legislature for allowance.

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Department of State,
*Washington, July* 14, 1837.

Sir: Your letter of the 3d instant has been received. The surprise you express that the information contained in the letter of Mr. Greely, which accompanied your former communication, was not considered sufficient to enable the President to make a formal application to the British Government for his release, has probably arisen from your not having adverted particularly to the defects of his statement. It was not expressly mentioned for what offence the arrest was made, nor where it took place, upon the territory in dispute between the United States and Great Britain or beyond it. The character of the charge and the place at which the offence was committed might have been inferred from what was stated; but you must perceive the impropriety of a formal complaint from one Government to another founded upon inference, when the means

of ascertaining and presenting the facts distinctly were within the power of the party complaining. But although this Department felt itself constrained by these considerations to delay a formal application to the British Government for the release of Mr. Greely, it lost no time, as has been already stated, in procuring the interference to that end of the British minister near this Government; and I have now the satisfaction to inform you that I have learnt from him that he has opened a correspondence with the Lieutenant Governor of New Brunswick, which it is expected will lead to the release of Greely from confinement, without waiting for the decision of his Britannic Majesty's Government on the whole question.

The information communicated to the Department since the receipt of your letter of the 3d instant, is sufficiently explicit, and a note founded upon it has been, by direction of the President, addressed to Mr. Stevenson, instructing him to demand the immediate liberation of Mr. Greely, and indemnity for his imprisonment.

I have the honor to be, sir, your obedient servant,

JOHN FORSYTH.

Hon. ROBERT P. DUNLAP,
*Governor of the State of Maine.*

P. S. The papers asked for in your letter of the 27th ultimo will be sent to you.

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STATE OF MAINE.

EXECUTIVE DEPARTMENT,
*Augusta, June* 27, 1837.

SIR: I would respectfully solicit copies of all documents and papers in the Department of State of the United States, in relation to the subject of the northeastern boundary, with the exception of such as were furnished this department by the General Government in the year 1827. It is understood that copies have been furnished relative to this subject down to the respective statements submitted by the two Governments to the King of the Netherlands, but the arguments we have not been furnished with.

I am, very respectfully, your obedient servant,

ROBERT P. DUNLAP.

Hon. JOHN FORSYTH,
*Secretary of State of the United States.*

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DEPARTMENT OF STATE,
*Washington, July* 19, 1837.

SIR: In compliance with the request contained in your letter of the 27th ultimo, I have the honor to transmit to you a printed volume, containing a statement on the part of the United States of the case referred, in pursuance of the convention of the 29th September, 1827, between the said States and Great Britain, to the King of the Netherlands for his decision thereon, and to refer you, for such other papers and documents in relation to the northeastern boundary as have not been specially furnished by this Department to the Executive of Maine, to the following numbers in the volumes of documents of the Senate and House of Representatives, distributed under a resolution of Congress, and which have been from time to time transmitted to the several State Governments, including that of Maine.

*Documents of the House of Representatives.*

1st session 20th Congress, No. 217, 218.
2d session 20th Congress, No. 90.
2d session 23d Congress, No. 62.

*Documents of the Senate.*

1st session 24th Congress, No. 414.

I have the honor to be, sir, your obedient servant,

JOHN FORSYTH,
*Secretary of State.*

Hon. ROBERT P. DUNLAP,
*Governor of Maine.*

STATE OF MAINE.

EXECUTIVE DEPARTMENT, *July* 28, 1837.

SIR: Impelled by a sense of duty, arising from the oversight committed to me of the rights and interests of this State, I beg leave to invite the attention of your excellency to the subject of the northeastern boundary of Maine. By the Federal compact, the obligation of defending each State against foreign invasion, and of protecting it in the exercise of its jurisdictional rights up to its extreme line of boundary, is devolved upon the National Government. Permit me respectfully to inform the President that, in the opinion of the people of Maine, the justice due to this State, in this respect, has not been rendered.

Let it not be suspected that the discontents which are moving strongly and deeply through the public mind, flow from any deficiency of attachment or practical adhesion to our National Government. Without appealing to the blood so freely poured out in war by the citizens of Maine; to the privations so cheerfully endured while the restrictive measures of the Government were prostrating the most important interests of this commercial people, or to the support of the Union so cordially given through every vicissitude up to the present hour; such a suspicion, if it could arise, would be sufficiently refuted by merely adverting to the forbearance with which they have so long endured the aggressions by a foreign Government upon their sovereignty, their citizens, and their soil.

It would be easy to prove that the territory of Maine extends to the highlands north of the St. John. But that point, having been not only admitted but successfully demonstrated by the Federal Government, needs not now to be discussed. Candor, however, requires me to say that this conceded and undeniable position ill accords with the proceedings in which the British authorities have for many years been indulged, and by which the rightful jurisdiction of Maine has been subverted, her lands ravaged of their most valuable products, and her citizens dragged beyond the limits of the State, to undergo the sufferings and ignominies of a foreign jail. These outrages have been made known to the Federal Government; they have been the subject of repeated remonstrances by the State, and these remonstrances seem as often to have been contemned. It cannot be deemed irrelevant for me here to ask, amid all these various impositions, and while Maine has been vigorously employed in sustaining the Union, and in training her children to the same high standard of devotion to the political institutions of the country, what relief has been brought to us by the Federal Government? The invaders have not been expelled. The sovereignty and soil of the State are yet stained by the hostile machinations of resident emissaries of a foreign Government. The territory and the jurisdiction of six millions of acres, our title to which the Government of the United States has pronounced to be perfect, have, without the knowledge of Maine, been once put entirely at hazard. Grave discussions, treaty arrangements, and sovereign arbitration, have been resorted to, in which Maine was not permitted to speak, and they have resulted, not in removing the factitious pretensions, but in supplying new encouragements to the aggressors. Diplomatic ingenuity, the only foundation of the British claim, has been arrayed against the perfect right.

In the mean time a stipulation made by the Executive of the nation, without the knowledge of Maine, purported to preclude her from reclaiming her rightful jurisdiction until the slow process of a negotiation should be brought to a close. Whatever the real force of that stipulation might be, made as it was without the concurrence of the two branches of the treaty-making power, it was hoped, when it expired by the closing up of that negotiation, that a measure fraught with such hurtful consequences to Maine would not again be attempted. But that hope was o be disappointed, and now, by a compact of similar

character, a writ of protection appears to have been spread by our own Government over the whole mass of British aggressions. What then has the Federal Government done for this State? May it not be said, in the language of another, "Maine has not been treated as she endeavored to deserve?"

On the 22d day of April last, I had the honor to transmit to your excellency certain resolves passed by the Legislature of this State, relative to the northeastern boundary, and, in behalf of the State, to call upon the President of the United States to cause the line to be explored and surveyed, and monuments thereon erected. That this call, made by direction of the Legislature, did not extend to the expulsion of invaders, but merely to the ascertainment of the treaty line, will, I trust, be viewed as it was designed to be, not only as an evidence of the continued forbearance of Maine, but as a testimonial of the confidence she cherished that the Federal Executive would protect the territory, after its limitation should be ascertained. That this application would meet with favor from the Federal Executive was expected, more especially as Congress had made a specific appropriation for the purpose. I will not attempt to conceal the mortification I have realized, that no reply has been made to that communication, nor any measures taken, so far as my information extends, for effecting the object proposed.

It now remains, that in the exercise of that faithfulness for which I stand solemnly pledged to the people of Maine, I should again commend to the attention of the National Executive this apparently unwelcome but really important subject.

I have therefore the honor again to request that the President will cause the treaty line upon the northeastern limits of Maine to be run and marked, and I cannot but hope that, on a re-examination of the subject, your excellency will concur with this State in relation to the rightfulness and the necessity of the measure proposed, as well as to all the remedies to be adopted for restoring to Maine the invaluable rights from which she has so long been debarred.

I have the honor to be, with high consideration, your obedient servant, ROBERT P. DUNLAP.

To his Excellency Martin Van Buren,
*President of the United States.*

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Department of State,
*Washington, August* 17, 1837.

Sir: Your letter of the 28th ultimo, to the President, was duly received. It has been referred to this Department, with instructions to make a suitable reply.

Your excellency is of opinion that the Federal Government has, for a series of years, failed to protect the State of Maine in the exercise of her jurisdictional rights to the extent of her boundary, and complains that these rights have been, in consequence thereof, subverted, the lands of the State ravaged of their most valuable productions, and her citizens subjected to imprisonment in a foreign jail. Your excellency particularly objects to the course of the Federal Government for having, without the knowledge of the State, put entirely at hazard the title of Maine, admitted by the Government of the United States to be perfect to the territory in question, by the resort to diplomatic discussions, treaty arrangements, and foreign arbitration, in which Maine was not permitted to speak; for having entered into a stipulation, without her consent, purporting to preclude the State from retaining her rightful jurisdiction, pending a negotiation, and for the continuance of it after that negotiation was supposed to have been concluded; and for an omission, on the part of the Executive of the United States, to comply with an application of the State, made through her Legislature, to have the boundary line between Maine and the British North American possessions explored, surveyed, and monuments erected thereon, in pursuance of the authority conferred on the President by Congress, and of a request made by your excellency, which is now renewed.

The views which your excellency has been pleased to take of the subject at this time, embrace measures, some of which have long since ceased to be operative, and reach back to the propriety of the stipulations entered into by the treaty of Ghent; also, of the subsequent negotiation designed to bring those stipulations to a satisfactory result, in the mode prescribed by that treaty—that of arbitrement. It being, as your excellency states, the opinion of Maine that those proceedings were unjust and unwise, it is, in a matter in which she is so deeply interested, her undoubted right to say so; yet the President thinks that he cannot be mistaken in believing that no practical good can, at this time, be expected from discussion between the Federal and State Governments upon those points. That the measures referred to have not been as fortunate in their results as was hoped, is entirely true, but your excellency may nevertheless be assured that they had their origin in a sincere desire, on the part of the Federal Government, to discharge all its duties towards the State of Maine as a member of the Union, and were resorted to in the full belief that her just rights would be promoted by their adoption.

In speaking of the restrictions imposed upon Maine in reclaiming her rightful jurisdiction, your excellency doubtlessly refers to the understanding between the Federal Government and that of Great Britain, that each party should abstain from the exercise of jurisdiction over the disputed territory during the pendency of negotiation. Unless it be correct to say that the controversy was one that did not admit of negotiation, and that the duty of the Federal Government consisted only in an immediate resort to maintain the construction put by itself upon its own rights and those of the State of Maine, there would seem to be no reasonable objection to such an arrangement as that alluded to, whether it be viewed in respect to the interests or the pacific and just characters of the respective Governments. That this arrangement was not abrogated at the period at which your excellency is understood to suppose that it ought to have been done, viz: upon the failure of a settlement of the controversy by arbitration, is explained by events of subsequent occurrence. When the award of the arbitrator was submitted by the late President to the Senate of the United State, that body refused its advice and consent to the execution of the award, and passed a resolution recommending to him to open a new negotiation with Great Britain for the ascertainment of the boundary according to the treaty of peace of 1783. That negotiation was forthwith entered upon by the Executive, is still pending, and has been prosecuted with unremitting assiduity. It is under such circumstances that the Federal Executive has decided upon a continued compliance with the arrangement referred to, and has insisted also upon its observance on the part of Great Britain.

Considerations of a similar nature have induced the President to refrain hitherto from exercising the discretionary authority with which he is invested, to cause the boundary line in dispute to be explored, surveyed, and monuments to be erected thereon. Coinciding with the Government of Maine on the question of the true boundary between the British provinces and the State, the President is yet bound by duty to consider the claim which has been set up by a foreign Power in amity with the United States, and the circumstances under which the negotiation for the adjustment of that claim has been transmitted to him. It could not be useful to examine the foundation of the British claim in a letter to your excellency. Respect for the authorities of a friendly nation compels us to admit that they

have persuaded themselves that their claim is justly grounded. However that may be, the present President of the United States, upon entering on the discharge of the duties of his office, found that a distinct proposition had been made by his professor for the purpose of amicably settling this long-disputed controversy, to which no answer has yet been received. Under such circumstances, the President was not able to satisfy himself, however anxious to gratify the people and the Legislature of Maine, that a step like that recommended by them could be usefully or properly taken.

The clause containing the specific appropriation made by the last Congress, for exploring, surveying, and marking certain portions of the northeastern boundary of the United States, to which your excellency alludes, is by no means imperative in its character. The simple legislative act of placing a sum of money under the control of the Executive for a designated object, is not understood to be a direction that it must in any event be immediately applied to the prosecution of that object. On the contrary, so far from implying that the end in view is to be attained at all hazards, it is believed that it merely vests a discretionary power in the President to carry out the views of Congress, on his own responsibility, should contingencies arise to render expedient the proposed expenditure.

Under existing circumstances the President deems it proper to wait for the definitive answer of the British Government to the last proposition offered by the United States: when received, a further communication to your excellency may be found proper; and if so, will be made without unnecessary delay.

It cannot be necessary to assure your excellency that the omission to reply to your communication forwarding to this Department the resolutions of the Legislature of Maine, did not, in any degree, arise either from a want of respect for their wishes, or for the wishes of your excellency, or from indifference to the interests of the State. When these resolutions were received, there was every reason, at no distant day, to expect what is now daily looked for, a definitive answer to the proposition just alluded to, to which the attention of the British Government had been again forcibly invited about the time those resolutions were on their passage. Under this expectation, a reply to the application from Maine was temporarily delayed; the more readily, as, about the time of its reception, the Representatives of Maine, acting in reference to one of those resolutions, had a full and free conversation with the President. The most recent proceedings relative to the question of boundary were shown to them in this Department by his directions, and the occasion thus afforded was cheerfully embraced of offering frank and unreserved explanations of the President's views.

Of the recent events which have called the attention of the State of Maine to the question of the northeastern boundary, and which have been brought by it to the notice of the President, one, the arrest and imprisonment of Mr. Greely, has already been made the subject of communication with your excellency. All that it was competent for the Federal Executive to do, has been done. Redress has been demanded, will be insisted upon, and is expected, from that authority from whom alone redress can properly be sought. The President has followed the same course that was pursued by one of his predecessors, and which was understood to be satisfactory to the State of Maine under circumstances of a somewhat similar character. In respect to the other—the projected construction of a railroad between St. Andrew's and Quebec—a representation has been addressed to the British Government, stating that the proposed measure is inconsistent with the understanding between the two Governments to preserve the *status quo* in the disputed territory until the question of boundary be satisfactorily adjusted, remonstrating against the project as contrary to the American claim, and demanding a suspension of all further movements in execution of it. No answer has yet been received to this communication. From an informal conversation between the British minister at Washington and myself, at the Department of State, the President is, however, firm in the conviction that the attempt to make the road in question will not be farther prosecuted.

I am, in conclusion, directed to inform you that however unbounded may be the confidence of the Legislature and people of Maine in the justice of their claim to the boundary contended for by the United States, the President's is not less so; and your excellency may rest assured that no exertions have been, or shall be, spared on his part, to bring to a favorable and speedy termination a question involving interests so highly important to Maine and to the Union.

I have the honor to be, with high consideration, &c.

JOHN FORSYTH.

His Excellency Robert P. Dunlap,
*Governor of Maine.*

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Department of State,
*Washington, August* 25, 1837.

Sir: I have the honor to transmit to your excellency, by direction of the President, the copy of a note from the British minister at Washington, dated yesterday, stating that the Government of her Britannic Majesty has been pleased to direct the immediate discontinuance, by the colonial authorities of Lower Canada and New Brunswick, respectively, of all operations connected with the projected railroad between the cities of Quebec and St. Andrew's.

Mr. Fox took occasion, on Wednesday last, to inform me that Mr. Greely had been discharged from imprisonment at Frederickton; a fact of which, doubtlessly, your excellency has been sometime since apprized.

I have the honor to be, with high consideration, &c.

JOHN FORSYTH.

His Excellency Robert P. Dunlap,
*Governor of Maine.*

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Department of State,
*Washington, March* 23, 1837.

The undersigned, Secretary of State of the United States, has the honor, by direction of the President, to invite the attention of Mr. Fox, his Britannic Majesty's envoy extraordinary and minister plenipotentiary, to a subject which, from its high importance, demands the prompt consideration of his Majesty's Government.

It appears from representations and documents recently received at the Department of State, that a number of inhabitants of the town of St. Andrew's, in New Brunswick, associated themselves together, in the year 1835, by the name of the St. Andrew's and Quebec Railroad Association, for the purpose of bringing into public notice the practicability of constructing a railway between those ports; and that sundry resolutions were passed in furtherance of this object; that the project was sanctioned and patronised by the Governor-in-chief of British North America, the Lieutenant Governors of New Brunswick and Nova Scotia, and the Legislatures and people of the provinces of Lower Canada and New Brunswick; that the route of the proposed railroad had been explored as far as the head-waters of the St. John river by surveyors employed by the association; that an act has actually passed the Legislature of New Brunswick incorporating this company: and that a similar act was expected to be passed in Lower Canada; that letters were addressed to the boards of trade of Quebec and Montreal, requesting their co-operation; thatt hese communications were favorably received; and that petitions had been forwarded to his Britannic Majesty, signed by committees of

the association, and by inhabitants of the cities of Quebec and Montreal, soliciting the construction of a railway between the ports above-named, or the extension of royal aid and protection to the petitioners in the proposed undertaking.

Without allowing himself for a moment to believe that his Britannic Majesty's Government will in any manner countenance the projected railroad from St. Andrew's to Quebec, when the slightest inspection of the map of the country which it crosses will show that its intended location would be, for a great portion of the route, an encroachment upon the territory in dispute between the United States and Great Britain, the President yet sees cause for painful surprise and deep regret in the fact that the civil authorities of his Majesty's provinces on our Northeastern borders should have lent their encouragement to, or should, in anywise, have promoted an undertaking which, if persevered in, will inevitably lead to the most disastrous consequences. The object of the association, from its inception, was objectionable; since it could only be effected by entering upon territory the title to which was controvorted and unsettled; a proceeding which could not fail to be offensive to the Government and people of the United States. Still more unjustifiable was the act of sovereignty giving to this company corporate powers over property known to be claimed by citizens of a friendly and neighboring State, and which constituted at the time the subject of an amicable negotiation between the Government of his Majesty and that of the United States. The President regrets to see in this step on the part of his Majesty's provincial authorities and subjects, a most exceptionable departure from the principle of continuing to abstain, during the progress of negotiation, from any extension of the exercise of jurisdiction within the disputed territory on either side; the propriety of which has been hitherto so sedulously inculcated and so distinctly acquiesced in by both parties. An understanding that this principle should be observed by them, was the natural result of the respective positions and pacific intentions of the two Governments, and could alone prevent the exercise of asserted rights by force. Without it, the end of all negotiation on the subject would have been defeated. If, therefore, nothing had been said by either party relative to such an understanding, it would have been proper to infer that a tacit agreement to that effect existed between the two Governments. But the correspondence between them is sufficiently full and explicit to prevent all misconception. The views of both Governments in respect to it will be found in the letters of the Secretary of State to the minister of Great Britain, dated the 18th of January, 1826, 9th of January, 11th of March, and 11th of May, 1829; and of the British minister to the Secretary of State, dated 15th of November, and 2d of December, 1825; 16th of January, 1827; 18th of February, and 25th of March, 1828; and 14th of April, 1833; as well as in other communications, which it is deemed needless now to designate.

The undersigned is directed by the President to inform Mr. Fox that the prosecution of the enterprise above referred to will be regarded by this Government as a deliberate infringement of the rights of the United States to the territory in question, and as an unwarrantable assumption of jurisdiction therein by the British Government; and the undersigned is instructed to urge the prompt adoption of such measures as may be deemed most appropriate by his Majesty's Government, to suspend any further movements in execution of the proposed railroad from St. Andrew's to Quebec, during the continuance of the pending negotiations between the two Governments relative to the northeastern boundary of the United States.

The proceedings above alluded to, considered in connexion with incidents on other parts of the disputed boundary line, well known to his Majesty's ministers, would seem to render it indispensable to the maintenance of those liberal and friendly relations between the two countries which both Governments are so sincerely anxious to preserve, that they should come to a speedy adjustment of the subject. The recent resolutions of the State of Maine, to which the projected railroad from St. Andrew's to Quebec gave rise, requesting the President of the United States to cause the line established by the treaty of 1783 to be run, and monuments to be established thereon, and the appropriation of $20,000 by Congress, at their late session, to enable the Executive to carry that request into effect, with a subsequent earnest application from the representatives of Maine for an immediate compliance with it, afford additional incentives to exertion to bring this controversy to a conclusion, not to be disregarded by the President of the United States.

The President, therefore, awaits with great anxiety the decision of his Majesty's Government on the proposition made by the undersigned to his Majesty's chargé d'affairs at Washington, in February, 1836, suggesting the river St. John's from its mouth to its source, as an eligible and convenient line of boundary. No small degree of disappointment has been felt that this decision, already long expected, has not been given; but the hope is entertained that the result of this protracted deliberation will prove favorable to the wishes of the President; and that, even if that proposition be not acceded to his Britannic Majesty, some definitive offer, looking to a prompt termination of the controversey, will be made without further delay.

The undersigned avails himself of this occasion to renew to Mr. Fox the assurance of his distinguished consideration.

JOHN FORSYTH.

Henry S. Fox, Esq.,
*Minister Plenipotentiary, &c.*

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Washington, *March* 28, 1837.

The undersigned, his Britannic Majesty's envoy extraordinary and minister plenipotentiary, has had the honor to receive the official note, addressed to him under date of the 23d instant, by Mr. Forsyth, Secretary of State of the United States, upon the subject of information received by the United States Government of a projected railroad between the cities of Quebec and St. Andrew's, and upon certain other matters connected with the question of the boundary line between the United States and the British possessions in North America.

The undersigned, in accordance with the wishes of the President, signified in Mr. Forsyth's official note, will not fail immediately to convey that note to the knowledge of his Government at home; and he entertains no doubt that his Majesty's Government will proceed to the consideration of the several matters therein contained, with the serious and ready attention that their importance deserves.

The undersigned avails himself of this occasion to renew to Mr. Forsyth the assurance of his high esteem and consideration.

H. S. FOX.

Hon. John Forsyth, *Secretary of State.*

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Washington, *August* 24, 1837.

Sir: With reference to the official note which, by direction of the President, you addressed to me on the 23d of March last, respecting a projected railroad between the cities of Quebec and St. Andrew's, which, it was apprehended, would, if carried into effect, traverse a part of the territory at present in dispute between Great Britain and the United States, I am now enabled to inform you that, in consideration of the arguments and observations contained in your note, her Majesty's Government has been pleased to direct the colonial authorities of Lower Canada and New

Brunswick, respectively, to cause all operations connected with the above-mentioned project, within the limits of the disputed territory, to be immediately discontinued.

I have the honor to be, sir, with high respect, &c.,

H. S. FOX.

Hon. JOHN FORSYTH, *Secretary of State.*

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*Mr. Stevenson to Lord Palmerston.—Extract.*

The undersigned will avail himself of the occasion to remind Lord Palmerston of the urgency which exists for the immediate and final adjustment of this long-pending controversy, [respecting the northeastern boundary,] and the increased obstacles which will be thrown in the way of its harmonious settlement by these repeated collisions of authority, and the exercise of exclusive jurisdiction by either party within the disputed territory.

He begs leave, also, to repeat to his lordship assurances of the earnest and unabated desire which the President feels, that the controversy should be speedily and amicably settled, and to express the anxiety with which the Government of the United States is waiting the promised decision of her Majesty's Government upon the proposition submitted to it as far back as July, 1836, and which the undersigned had been led to believe would long since have been given; and he has been further directed to say, that should this proposition be disapproved, the President entertains the hope that some new one, on the part of her Majesty's Government, will immediately be made for the final and favorable termination of this protracted and deeply-exciting controversy.

The undersigned begs Lord Palmerston to receive renewed assurances of his distinguished consideration.

A. STEVENSON.

23 PORTLAND PLACE, *August* 10, 1837.

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## DUTY BONDS—RENEWAL OF, &c.

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*Letter from the Secretary of the Treasury, transmitting the information required by a resolution of the House of Representatives of the 26th instant, in relation to the number of duty bonds which will be renewed or extended, and the charges thereon, if the bill which has passed the Senate, giving further time, shall become a law. September 29, 1837, read and laid upon the table.*

TREASURY DEPARTMENT, *September* 28, 1837.

SIR: In obedience to the resolution of the House of Representatives of the 26th instant, directing the Secretary of the Treasury to furnish "a statement of the probable number of bonds that will be renewed or extended under the operation of the bill which has recently passed the Senate, giving further time on duty bonds should the same become a law; also, what fees or charges, if any, are required on the renewal or extension of such bonds, and whether such fees or charges can with propriety be reduced," I have the honor herewith to transmit to the House a report from the Solicitor of the Treasury, which furnishes the information required.

I concur with that officer in his views as to the fees which should be allowed to the district attorneys.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Treasury.*

Hon. J. K. POLK,
*Speaker of the House of Representatives.*

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OFFICE OF THE SOLICITOR OF THE TREASURY,
*September* 27, 1837.

SIR: I had the honor to receive the resolution of the House of Representatives of the 26th instant, referred by you to this office, and requesting "a statement of the probable number of the bonds that will be renewed or extended under the operation of the bill which has recently passed the Senate giving further time on duty bonds, should the same become a law; also, what fees or charges, if any, are required on the renewal or extension of such bonds, and whether such fees or charges can, with propriety, be reduced."

In reply to the first inquiry, I have to state that the whole number of custom-house bonds reported by the collectors as delivered to the several district attorneys of the United States since the 12th of May last, is 8,180. Of these, it appears by the records of this office, that 594 have been since paid; on 408 suits have been instituted; 4,162 have been actually renewed or extended; 2,735 are reported by the district attorney of New York to be in process of extension, that is to say, application for postponement of suit has been made by the parties, but the necessary bonds not being completed, the actual extension has not been reported to this office; and the residue, being 281, executed at other ports than New York, are also in process of extension or in suit, the respective district attorneys not having made their final reports in relation thereto. Among these bonds are not included any that may have fallen due at the port of New York during the present month, none such having been reported by the collector as delivered to the district attorney. It is impossible to form any calculation, from the means in my possession, of the number of these outstanding bonds which the parties will again desire to have renewed or extended, should the bill in question become a law.

In reply to the second inquiry, I have to state that I have received several applications from district attorneys, and from persons indebted to the United States on custom-house bonds, inquiring what compensation was to be paid to the former, where the institution of suit was postponed on the bonds, either before or after they were due, in pursuance of the instructions issued from this office on the 15th May last. My reply, after consultation with the Attorney General, has been, that, as the fees to be charged by the officers of the United States are chiefly regulated, under the act of Congress, by the State laws, the compensation of the district attorney depends on them for all services thereby required; and that for such as are not, he is entitled to reasonable remuneration. I was aware of no authority in this office to interfere; but referred the parties, in every case where they might think any costs were improperly charged, to the district judge, as the person vested by law with full authority over the subject.

Finding no general rule had been established by my predecessor, in regard to what might be considered a just remuneration, where there were no costs taxable by law; and being desirous to submit the matter to the consideration of the Attorney General, I addressed a circular letter to the several district attorneys, inquiring "whether any and what amount of costs for these services have been taxed or allowed in their districts by the district judge; whether any and what costs are allowed for them by the fee bill under which costs of suit in the courts of the United States are there usually taxed; or, if none such have been so allowed or provided for, whether any or what provision applicable to the same is found in the State fee bill, in operation either at the date of the judiciary act or at present."

To nearly all these circulars I have received replies; and I have caused an abstract of the whole of them to be prepared, which is sent herewith, and affords the fullest statement in my power to communicate, of the "fees or charges that have been required on the renewal or extension of custom-house bonds." It will be perceived that in no State, except New York and Alabama, are any costs allowed by law to an attorney previous to the institution of suit; that, in a few of the States, costs allowed on the institution of suit are less if the proceedings end before the first term of

the court, return of the writ, or appearance of the defendant, than if further continued; but that, in most cases, there is a certain sum fixed as the attorney's fee, which is taxable without diminution at the completion of the suit. In no State, except New York, is there any provision by law for the compensation of an attorney for preparing agreements and documents into which the parties to whom indulgence is granted have been required to enter.

In reply to the inquiry whether such fees or charges can with propriety be reduced, I have to observe that it is highly expedient that some definite and uniform provision should be made by Congress on the subject. None such now exists. In some cases no charge whatever has been made by the district attorney for the services rendered, in the belief that one would be established before the payment of the bonds, so as to be included therein. The labor required from district attorneys is very considerable, more, indeed, than is usual in obtaining judgment in an undisputed suit. The examination of the propriety of postponement, the inquiry into the sufficiency of new security, and the preparation and execution of the new obligation, are responsible, and in the larger ports very onerous duties. In the other cases, where charges have been made for performing these duties, it will be seen that the amount varies considerably in the different States, although the service performed is everywhere the same. These circumstances make it impossible to suggest any general rule of reduction. Such discrepancies certainly should not exist. The rule of allowance in each case should at all events be uniform and fixed by law. Perhaps it would be just that, in every instance where the extension is requested by the parties to a bond, the same fees should be allowed as are provided by law, on the termination of a suit before the return of the writ; or, if there be no such provision, such fees as the district judge may deem reasonable for the service performed.

I have the honor to be, with great respect, sir, your most obedient servant,

H. D. GILPIN,
*Solicitor of the Treasury.*

To the Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

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*Abstract of the answers of the district attorneys to a circular of the Solicitor of the Treasury, dated July 13, 1837, relative to the compensation to which they are entitled by the laws of the State, or the fee bill under which costs are usually taxed in the courts of the United States, in their several districts, for postponing or renewing duty bonds, under the instructions from the Solicitor of the Treasury of the 15th of May, 1837.*

*District of Maine.*—No provision is made by any law of the State for the compensation of attorneys in cases before suit commenced. In cases continued or postponed *after suit commenced*, the allowance by the State fee bill is 33 cents for every ten miles of travel to attend court, reckoning each way, and 33 cents per day for attendance at court. No fee for postponing duty bonds has been charged by the district attorney, or taxed by the court, and there is no usage or practice fixing the compensation for such services.

*District of New Hampshire.*—No provision is made in any law or fee bill in force, nor by any usage, for compensation to attorneys *before* the institution of suit. No charge has been made by the district attorneys for these services.

*District of Massachusetts.*—There was not at the date of the judiciary act of 1789, nor is there since, any provision in the fee bill of this State for the fees of attorneys for collection of demands without suit, or after writ made, if the action is settled before entry. The usage has been in such cases to charge a collecting fee to the debtor.

*District of Rhode Island.*—There is no provision for such services found in the State fee bill in operation at the date of the judiciary act, or at present. No fee has been charged or received for postponing these bonds.

*District of Connecticut.*—Costs are not taxed by the court, except in cases where a judgment is rendered. Where suit is commenced and process issued, and the matter is arranged before judgment, the costs are taxed, and received by the attorney who institutes the suit, and vary according as more or less is done. The fee in case of postponement, after suit commenced, is about $12; in case of postponement before suit about $9 34. For executing the necessary writings in postponing duty bonds, a fee of $8 has been charged in each case.

*District of Vermont.*—No provision is made by State law or fee bill. No bonds have been postponed, and consequently no charge made.

*District of New York.*—The compensation of attorneys is fixed by State law of 1799, establishing fee bill as follows, viz: Retaining fee in every case $3 62½, and 37½ cents per folio for drawing, copying, and engrossing instruments prepared for the extension of bonds. For extending or postponing duty bonds, the attorney states that his fee under this law is in every case $6 64; but that, in all cases where the bond does not exceed the sum of $200, he has deducted one-third of his legal charge.

*District of Pennsylvania.*—The fees allowed by law to attorneys in the Supreme Court of this State are as follows, viz:

1st. For issuing precept for commencement of a suit, entering appearance, &c., if the suit is ended *before* or during the sitting of the first court, $3 33.

2d. In suits commenced, and ended *after* first court and before judgment, discontinuance, or *non pros.* the further sum of $6 66.

3d. In suits prosecuted to judgment, discontinuance, or *non pros.* $8.

The above are the fees which the district attorney is allowed by law in such cases. The fee charged and received by the district attorney for postponing duty bonds is $3 33.

*Maryland.*—The laws of Maryland allow in every case an appearance fee of $10. It is taxed in all cases of suit, without increase or diminution, and never depends on the nature or amount in controversy. The fee charged by the attorney for postponing bonds, where the debt exceeds $300, is $10; where the debt is $300, or less, $5.

*Virginia.*—A fee of $20 is allowed by law in all civil suits, and is taxed without increase or diminution. The fee charged by the district attorney for postponing bonds where the debt exceeds $300, is $10; where the debt is $300, or less, $5.

*North Carolina.*—A fee of $12 50 is allowed in all cases, and is taxed without increase or diminution. No fee has been allowed or charged for postponing or renewing bonds.

*South Carolina.*—No provision is made by the laws of this State for such service, and no fee has been charged by the district attorney, or allowed by the district judge. The attorney expected the compensation to be fixed and charged at the time the bonds should be paid.

*Georgia.*—No provision is made by the laws of Georgia for such service; and no fee has been charged.

*Alabama.*—The district attorney states that a fee of $15 is taxed and allowed by the district judge in every case; that the attorney's lien attaches the moment a bond comes into his hands; and that the district judge thinks he is entitled under the laws of the State to this fee for postponing duty bonds, under the circular of the Solicitor.

*Louisiana.*—No fee is allowed attorneys by the fee bill under which costs are taxed in the courts of the United States for such services, and no provision made for his

compensation. Formerly, a fee of $10 was allowed to the attorney of the party prevailing in suits in the parish and State courts; *that* has been repealed, and there is now no provision in such cases. No charge has been made or allowed for postponing duty bonds under the circular of the Solicitor.

## SUB-TREASURY SYSTEM.

*Letter from the Secretary of the Treasury, transmitting an estimate of the probable expenses attendant upon a sub-Treasury system. September* 30, 1837, *read and laid upon the table.*

TREASURY DEPARTMENT, *September* 30, 1837.

SIR: This report is submitted in compliance with the following resolution, passed on the 28th instant, and received at the Department this day:

"*Resolved*, That the Secretary of the Treasury be required to furnish this House with a statement of the number of sub-treasuries which will be required, if the bill imposing additional duties as depositaries in certain cases on public officers should become a law; and further, how many new officers must be created; if any, how many new buildings to be erected, and what will be, as nearly as he can estimate it, the annual expense of the system; what the salaries to be paid the officers, or what will be the commissions to which they will be entitled."

In answer to the first inquiry, I would state that I have had recurrence to the printed bill of the House of Representatives "imposing additional duties as depositaries in certain cases on public officers, and for other purposes," and which is supposed to be the bill referred to in the resolution. Under that bill, if in its present form it should become a law, I should not feel authorized to appoint any number of "new officers," whether called "sub-treasurers," or otherwise, and created either to keep or disburse the public money. The bill seems merely to impose further duties, as depositaries, on the officers now existing, and employed in the collection of the customs and lands, and in the Post Office and mint. The number of those in each of these establishments, if that information be desired, appears, with a few exceptions, and more accurately than could otherwise be stated without delay, in the last Biennial Register, published by the State Department, under the direction of Congress, and to which I would respectfully refer for that purpose.

As to the second inquiry, it may be observed that, in one of the plans suggested by this Department in the report at the commencement of the session, it was proposed that from four to ten "new officers," separate from and independent of those now in existence, might be authorized to act as commissioners, or keepers of the public money, at those important points where it should accumulate much beyond the current expenditures.

But that plan does not appear to be incorporated into the bill before me.

In reply to the third question, I would state that no "new buildings" seem to be contemplated by this bill, nor have any been considered necessary by this Department.

In answer to the fourth inquiry, "what will be, as nearly as he can estimate it, the annual expense of the system; what the salaries to be paid to the officers, or what will be the commissions to which they will be entitled," the following statement is presented:

As the bill now stands, in the fourth section, an allowance exists which covers the additional expenses authorized by its provisions.

That allowance is not considered as sanctioning any commissions, or any new salaries, to any of the keepers of the public money.

But if independent commissioners or agents had been authorized, as proposed in one of the plans submitted by the Department for consideration, it was estimated that their number would be only from four to ten, and their salaries not exceed on an average $2,000 annually, without commissions.

That plan not being adopted, the only additional expenses of the system annually, as permitted by the above section in the present bill, would be "for clerks, fire-proof chests or vaults, or other necessary expenses of safe-keeping, transferring, and disbursing said moneys."

It is computed that, in all, from ten to twenty additional clerks may be necessary at the most important points of collection and disbursement. As the warrants paid at the places of the greatest receipts and disbursements do not generally exceed four or five per day, that number of clerks will probably be amply sufficient.

Fifteen at $1,000 salary per year will be $15,000, and it is not supposed that the compensation need, on an average, exceed that amount.

At a similar number of places additional iron chests, safes, or vaults may be necessary; but, as they now exist at several ports and land offices, and the first cost of them will not have to be renewed annually, it is computed that the yearly expense for these will not exceed the sum of $10,000.

The only other additional expenses contemplated will be some small items for blank books, transfers, &c. But the last will probably not amount to any thing beyond, if it equal, what is now paid for conveying money to the banks from the land offices.

Should the Treasurer, as recommended in my recent report on the finances, be permitted to receive money in advance for lands, at such points as may be selected by him for public convenience, little or no expense whatever will occur in transfers.

The whole additional expense under the bill mentioned is, therefore, computed not to exceed yearly the aggregate of $25,000.

Respectfully yours,
LEVI WOODBURY,
*Secretary of the Treasury.*

To the Honorable JAMES K. POLK,
*Speaker of the House of Representatives.*

## STATE OF THE TREASURY.

*September* 30, 1837. *Submitted to the House of Representatives by Mr. Cambreleng, and ordered to be printed.*

*Estimate of the state of the Treasury, and of its outstanding resources and liabilities on the 1st of January, 1838, excluding the amount deposited with the States, and assuming that ten millions of Treasury notes will have been issued, and that all the custom house bonds and claims upon the banks be postponed till next year.*

| | | |
|---|---|---|
| Estimated to be in the Treasury on the 1st October, in money, - | $1,000,000 | |
| Do do in the mint, - | 500,000 | |
| | | $1,500,000 |
| Estimated receipts in the last quarter from lands and customs, - - - | | 2,000,000 |
| Do do from Treasury notes, - - | | 10,000,000 |
| | | 13,500,000 |
| Expenditures in the last quarter, including new appropriations made at the present session for the Florida war, the expenses of the session, the payment of debentures, &c., | | 10,500,000 |
| | | $3,000,000 |

*Outstanding resources.*

| | | |
|---|---|---|
| Probable amount which will remain unpaid by the banks, and payable in 1838, - - | $7,000,000 | |
| Custom-house bonds payable in 1838, - - - | 6,000,000 | |
| Bonds in suit, - - - | 1,000,000 | |
| Bonds due from the sufferers by the fire in New York, payable in 1839-'40, and '41, - | 1,000,000 | |
| Instalments due from the Bank of the United States in 1838-'39, and '40, exclusive of interest, | 6,000,000 | |
| | | 21,000,000 |
| | | $24,000,000 |

*Liabilities.*

| | | |
|---|---|---|
| Outstanding appropriations, deducting the amount which may probably be curtailed, - | $12,000,000 | |
| Treasury notes, - - | 10,000,000 | |
| | | $22,000,000 |

## TREASURY NOTES.

*Letter from the Secretary of the Treasury, transmitting copies of his correspondence with individuals, banks, &c., in relation to an issue of Treasury notes under authority of the Government of the United States. October 3, 1837, read and laid upon the table.*

TREASURY DEPARTMENT, *October* 3, 1837.

SIR: This report is presented in obedience to a resolution, received the 2d instant, in the following words:

"*Resolved*, That the Secretary of the Treasury be directed to communicate to this House copies of all official correspondence between the Department and all individuals, banks, or other corporations, relative to a bill now before Congress to authorize the President of the United States to cause the issue of Treasury notes, and relative to the disposition of such notes; together with copies of all documents or papers on file in the Department relative thereto."

Sometime since it was perceived that the appropriate committees in both Houses of Congress had reported bills providing for the issue of Treasury notes on an interest to be regulated by the President, but not to exceed six per cent. It was obvious if such a measure should become a law, in the exhausted condition of the Treasury as to funds on the seaboard, that a great pressure and a strong public necessity would exist for the immediate emission of some of those notes. But they could not properly be issued without fixing on the face of them a definite rate of interest; and it was very desirable that this rate should be such as was just and proper for the public claimants as well as the Government, considering the present condition of the money market. For the purpose of aiding the Department seasonably to obtain full, practical, and direct intelligence on that point, a circular was prepared, a copy of which is annexed, marked A. It was supposed that the replies which might be received would, in connexion with oral communications and other information accessible here, furnish sufficient facts to enable the President to decide at once upon the appropriate rate of interest for such an amount of notes as the immediate wants of the public service on the seaboard might require.

The circular was addressed to several banks and capitalists in those cities which were least distant, and in which the funds that could be raised upon the Treasury notes would probably be first needed. A list of all the banks and persons to whom it was sent is added. (B.)

Such answers as have been received are subjoined. (C No. 1 to 14.)

No further communications have been made by the Department, growing out of those answers, except in one instance, to the firm of Prime, Ward, and King. A copy of that is annexed. (D.) The above is believed to be all the correspondence between the Department and others in relation to the subject mentioned in the resolution.

Should a bill pass similar to either of those now before Congress, in respect to Treasury notes, it is contemplated to limit the issues, whether made to individual creditors or to lenders of money, to such an amount only as may be necessary for meeting the most urgent demands on the Government, till full time for general advertisements and offers has elapsed after the passage of the law. The notes subsequently paid out can then be fixed at a similar or different rate of interest, taking care to keep within the legal limitation and conform to any essential change which may occur in the money market, or in the disposition of either creditors, capitalists, or banks, to take them on terms materially different.

The Department, however, from all the information in its possession, entertains no doubt that funds in specie can be obtained, or that creditors will be disposed to accept in payment, at a rate of interest within the limitation proposed in the bill, notes sufficient in amount for carrying on, vigorously and promptly, the public service.

Respectfully, LEVI WOODBURY,
*Secretary of the Treasury.*

Hon. JAMES K. POLK,
*Speaker of the House of Representatives.*

A.

TREASURY DEPARTMENT, *Sept.* —, 1837.

SIR: A bill is now before Congress to authorize the President of the United States to cause the issue of Treasury notes for such sum or sums as he may think expedient; but not exceeding in the whole amount of notes issued, the sum of twelve millions of dollars, and of denominations of not less than one hundred dollars for any one note, to be reimbursed at the Treasury of the United States, after the expiration of one year from the dates of the said notes respectively.

I will thank you to state whether, in the event of the passage of this bill, your bank will agree to receive the said notes from the Government, and give the Treasurer of the United States a credit for the amount; to be drawn for as may be necessary, and payable in specie if required; and if so to state what amount your bank will receive, and the lowest rate of interest to be borne by said notes.

I am, very respectfully, your obedient servant,

*Secretary of the Treasury.*

* CASHIER *of the*

B.

The accompanying printed circular, relative to the issue of Treasury notes, was addressed to the following banks and individuals:

*Banks.*—Maine Bank, Portland; Commercial Bank, Portsmouth; Commonwealth Bank, Boston; Merchants' Bank Boston; Bank of America, New York; Manhattan Company, New York; Girard Bank, Philadelphia; Union Bank of Md. Baltimore; Planters and Mechanics' Bank, S. Carolina, Charleston; Planters' Bank, Ga., Savannah; Branch Bank of Ala., Mobile; Commercial Bank, N. Orleans; Union Bank, Louisiana, New Orleans; Bank of Virginia, Richmond.

* When addressed to individuals, the word *you* was substituted for *your bank*, and the address at the bottom made to correspond.

*Individuals.*—David Henshaw, Boston; Peter C. Brooks, Boston; J. R. Beers, New York; J. J. Astor, New York; Prime, Ward, & King, New York; J. Wright & sons, N. York; Jacob Ridgway, Philadelphia; Charles McAlister, Philadelphia; John A. Brown, Philadelphia; Wm. Davidson & son, Philadelphia; Alex'r Brown & sons, Baltimore; Wm. Wilson, & sons, Baltimore; Robert Gilmor, Baltimore; J. I. Cohen, jr. & Brothers, Baltimore.

C No. 1.

BANK OF AMERICA, *September* 22, 1837.

SIR: I have received your printed communication of the 19th instant, inquiring whether this bank would be willing to take any and what portion of the twelve millions of Treasury notes in case they shall be issued as contemplated, and at what rate of interest; the amount of the notes to be placed to the credit of the Treasurer of the United States, subject to his drafts, payable in specie if required. In reply, I have the honor to inform you that, in the present deranged state of the currency, and the unfortunate condition of the banks and the commercial interests of the country, there are considerations of more than ordinary interest that render it difficult to give a satisfactory answer to your inquiry.

The paramount duty of the banks to resume their payments in specie at as early a day as practicable, and the desire and disposition of this bank is, to stand ready at all times to co-operate fully and effectually in the measure, renders it, in our opinion, very doubtful whether we could at this time, and under such circumstances, properly and consistently assume the new and extended liabilities that we should incur by the receipt of any considerable amount of Treasury notes, as suggested in your letter; certainly not, unless upon such terms as would be perfectly sure to render them equal to and convertible into specie at any and all times before they shall be redeemed. Without that, we could not with propriety incur the liability to pay for them in specie, as we should thereby certainly weaken the bank, and if not actually prevent, at least render it less able to resume payments in specie at the proper time. The question therefore presents, will the Treasury notes, bearing an interest of even six per cent., and redeemable after twelve months, be equal in value or equivalent to specie in this and our other principal cities? We think not, so long at least as specie payments shall be suspended, and for reasons that must, I think, be evident and conclusive. We deem it, therefore, inexpedient for this bank to make any offer at this time for any portion of the Treasury notes upon the basis named in your letter.

I thus frankly state to you our present views of the subject, and I offer them with reluctance, because we should not only be gratified, but esteem it a particular duty under existing circumstances, to avail ourselves of any suitable opportunity to render this bank useful to the Treasury and to the general interests of the country.

I have the honor to be, very respectfully,
GEORGE NEWBOLD, *President.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury U. S, Washington.*

C No. 2.

GIRARD BANK,
*Philadelphia, September* 21, 1837.

SIR: I received duly your communication of the 19th instant, in which you inquire whether, in the event of an issue of Treasury notes being authorized by Congress, this bank will agree to receive such notes from the Government, and give the Treasurer of the United States a credit for the amount received, payable in specie if required; and if so, requesting to know what amount the bank will receive, and the lowest rate of interest to be borne by said notes.

In reply to your inquiry, I am instructed to state that, under existing circumstances, this bank would not be willing to increase its immediate specie liabilities, and, therefore, would not undertake to receive any portion of the Treasury notes above alluded to, upon terms which would involve the necessity of their temporary redemption by us in specie.

I remain, very respectfully, your obedient servant,
WILLIAM D. LEWIS.

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

C No. 3.

BALTIMORE, *September* 23, 1837.

SIR: I have the honor to acknowledge the receipt of your circular of the 19th instant, which my absence from town till last evening prevented me from replying to earlier.

The operation in Treasury notes proposed by the Department on which your inquiries are founded, is one so foreign to my usual course of business that I should reluctantly engage in it at any time, but in the present unsettled state of the currency, I am constrained respectfully to decline it.

I have the honor to be, sir, your most obedient servant,
ROBERT GILMOR.

Hon. SECRETARY *of the Treasury.*

C No. 4.

BANK OF THE MANHATTAN COMPANY,
*New York, September* 22, 1837.

SIR: I have the honor to acknowledge the receipt of your esteemed letter of the 19th instant, addressed to the cashier of this company, which shall be submitted to the board of directors at their next meeting.

I have the honor to be, with great respect, your obedient servant.

M. GELSTON, *Pres. M. C.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

C No. 5.

COMMONWEALTH BANK.

SIR: Your favor of the 19th instant, relative to the contemplated issue of Treasury notes, came duly to hand. The directors are of an opinion that it will be impracticable for this institution, in the present state of the currency, to obligate itself to supply specie for Treasury notes. They would respectfully state, that should that Department require this bank to negotiate the notes, or to pay them out on drafts payable in notes, this service will be cheerfully rendered.

Respectfully,
CHARLES HOOD, *Cashier.*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

C No. 6.

BALTIMORE, *September* 20, 1837.

SIR: We have received your communication relative to the Treasury notes which it is proposed to authorize the President to issue. We beg leave to tender you our acknowledgments for the proposition therein contained, but being exclusively engaged in foreign commerce, and seldom importing articles subject to duty, these notes would not be available for any purposes connected with our business, and it would not be desirable for us to receive them.

We are, with great respect, your obedient servants,
WM. WILSON & SONS.

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

C No. 7.

BALTIMORE, *September* 20, 1837.

SIR: We feel obliged for your communication respect-

ing the Treasury notes expected to be issued. The price at which specie can be obtained being very uncertain, and the time proposed by the bill for the redemption of the notes being so short, we are unwilling to make any offer for them. If they had three or four years to run, bearing interest at the rate of five per cent. per annum, we think they would be made available as a remittance to England.

We remain with much respect, your obedient servants,

ALEX. BROWN & SONS.

Hon. Levi Woodbury,
*Secretary of the Treasury.*

C No. 8.

Boston, *September* 26, 1837.

Sir: I am in receipt of your circular of the 19th, respecting Treasury notes.

I do not wish to take any notes on the terms proposed, payable in specie on demand; but will with great pleasure receive and disburse them for the Government, if desired.

Respectfully, your obedient servant,

DAVID HENSHAW.

Hon. Levi Woodbury,
*Secretary of the Treasury.*

C No. 9.

Union Bank of Maryland, *Sept.* 25, 1837.

Sir: Your circular, under date of 19th instant, in reference to an issue of Treasury notes, has been received, and I am desired by the board of directors to state to you that they have the matter under consideration, and that an answer will be returned in a few days.

I have the honor to remain, with great respect, sir, your obedient servant.

H. W. EVANS, *President.*

Hon. Levi Woodbury,
*Secretary of the Treasury.*

C No. 10.

New York, *September* 22, 1837.

Sir: We have the honor to acknowledge the receipt of your communication of the 19th instant, and in reply, beg to state that the existing state of affairs renders it difficult to name a specie rate for Treasury notes under the proposed law, which would at once be deemed respectful, and consistent with our own interest.

We think Treasury notes, bearing interest at five and two-fifths per cent. per annum, of the description named, would now command in specie from 92 a 94 per cent., but until the law be passed and its probable effects considered, it would not be practicable to name a definite rate.

During Mr. Dallas's administration of the Treasury Department, we realized for the Government a considerable amount of the Treasury notes, convertible into 7 per cent. stock, on commission, &c., placing the avails in various quarters as the exigency of the case required; and we should cheerfully render any service in our power upon similar terms.

We have the honor to remain, sir, respectfully yours,

PRIME, WARD, & KING.

Hon. Secretary *of the Treasury.*

C No. 11.

Philadelphia, *September* 22, 1837.

Sir: I received, in due course, your circular of the 19th instant, advising that a bill is now before Congress authorizing the President to cause the issue of Treasury notes, and inquiring on what terms I would agree to receive said notes and give the Treasurer of the United States credit for the amount so received, and to be drawn and payable in specie, if required.

In the present deranged state of our currency, and the difficulty of procuring specie, I should feel that I was incurring too much risk to enter into an engagement of that nature at the present time.

I remain, with great respect, your obedient servant,

J. RIDGWAY.

Hon. Levi Woodbury,
*Secretary of the Treasury.*

C No. 12.

Philadelphia, *September* 25, 1837.

Sir: At the close of the last week, we had the honor to receive your circular of the 19th instant, desiring us to state, in the event of Congress authorizing the President to cause an issue of Treasury notes, the amount and terms on which we would agree to take some of them. At present we are not inclined to engage in this business.

We are, very respectfully, sir, your obedient servants,

WM. DAVIDSON & SONS.

Hon. Levi Woodbury,
*Secretary of the Treasury.*

C No. 13.

Commercial Bank, Portsmouth, N. H.
*September* 27, 1837.

Sir: I had the honor to receive your circular letter of the 19th instant; and the same has been laid before our board of directors, who direct me to say that they should be happy to receive Treasury notes from the Government, and give the Treasurer of the United States a credit for the amount, to be drawn for as may be necessary; provided the same can be paid in the bills of the bank, drafts on Boston banks, or Treasury notes, at the option of the claimant.

The amount of the Treasury notes may be limited to the sum required for the public service here; the notes to bear such rate of interest as may be agreed on in larger cities. It would be out of the power of the bank, without great sacrifice, to furnish specie for the drafts of the Treasurer of the United States, while the banks in the large cities continue the suspension of specie payments; besides, if it was once understood that the bank was under an agreement with the Treasury to pay all public dues in specie, it would be demanded in every case.

I am, sir, very respectfully, your obedient servant,

GEORGE MELCHER, Jr., *Cashier.*

Hon. Levi Woodbury,
*Secretary of the Treasury.*

C No. 14.

Bank of Virginia, *September* 30, 1837.

Sir: Your letter of the 19th instant, in regard to the receipt of Treasury notes, was duly received. While the board of directors have respectfully considered the subject, they do not feel justified in agreeing to receive such notes, under the obligation to pay specie for them during the general suspension of specie payments by the banks. The amount of payments to the United States in this quarter is so inconsiderable, that it is probable the bank could dispose of very few of the Treasury notes, unless the rate of interest they should bear might induce money-lenders to take them for the sake of that interest.

I have to add, that this bank will readily afford all the facility in its power to the circulation of such Treasury notes as may come into its possession in the way of business.

I have the honor to be, very respectfully, your obedient servant,

A. ROBINSON, Jr., *Cashier.*

Hon. Levi Woodbury,
*Secretary of the Treasury.*

D.

Treasury Department, *Sept.* 28, 1837.

Gentlemen: Your communication of the 22d was duly received, and should your services be required hereafter, in

the manner proposed, it will afford me much pleasure to consider your proposition.

I remain, very respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Treasury.*

Messrs. PRIME, WARD, and KING, *New York.*

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## ANNEXATION OF TEXAS TO THE UNITED STATES.

*Message from the President of the United States, in compliance with a resolution of the House of Representatives of the 13th instant, respecting an annexation of Texas to the United States. October 3, 1837, read and laid upon the table.*

*To the House of Representatives of the United States:*

In compliance with the resolution of the House of Representatives of the 13th instant, respecting an annexation of Texas to the United States, I transmit a report from the Secretary of State, and the documents by which it was accompanied.

M. VAN BUREN.

WASHINGTON, *September* 30, 1837.

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*To the President of the United States:*

The Secretary of State, to whom was referred a resolution of the House of Representatives, dated the 13th instant, requesting "the President of the United States to communicate to that House, if in his opinion it should be compatible with the public interest, whether any proposition has been made on the part of the republic of Texas to the Government of the United States, for the annexation of the said republic of Texas to this Union; and, if such proposition has been made, what answer has been returned, and all correspondence which has taken place relating thereto," has the honor to lay before the President copies of all the correspondence which has taken place between this Government and that of Texas, on the subject of the resolution referred, and to represent that the inquiry made in that resolution is answered by the documents now respectfully submitted.

JOHN FORSYTH.

DEPARTMENT OF STATE,
*Washington, September* 30, 1837.

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*General Hunt to Mr. Forsyth.*

TEXIAN LEGATION,
*Washington city, August* 4, 1837.

SIR: The undersigned, envoy extraordinary and minister plenipotentiary of the republic of Texas, in conformity with instructions from his Government, asks the consideration of the honorable John Forsyth, Secretary of State of the United States, on the subject of a proposition for the annexation of Texas to the United States, and which proposition he has now the honor most respectfully to submit.

In presenting the question through the honorable the Secretary of State of the United States to this Government, the undersigned solicits, in advance, the greatest indulgence for the latitude which it will be necessary to take in opening this negotiation. The subject is one of so much magnitude that it is impossible, in a single paper, to exhibit even its general outlines, and the undersigned will perhaps have sufficiently trespassed upon the attention of the honorable the Secretary of State, when he shall have, in the first place, briefly set forth a comparative history of Texas and Mexico, which has been so much misrepresented by the recent envoy of Mexico to this Government, and when, in the second place, he shall have stated the main ground upon which the union of the two republics is proposed by Texas, and shall have concluded by suggesting some few of the great advantages, both national and social, which would result to the two contracting parties from the proposed amalgamation of their respective sovereignties.

With the exception of the first Presidency under the federal constitution, that of Victoria, Mexico has exhibited a series of revolutions, attended with the most disastrous civil wars. Iturbide, who was chosen and proclaimed by a licentious soldiery, was dethroned and put to death, after a short reign, too turbulent to be regarded, even during that brief period, as a Government. The rights of property were not respected, and foreign merchants as well as native were exposed to his rapacity. Witness the seizure of money at Perote.

After the downfall of Iturbide, and the adoption of the constitution of 1824, which is a transcript of that of the United States, affairs were, for some time, conducted peaceably, and were only interrupted by the episode of the revolt of General Bravo, the Vice President. Yet, during that period, the laws of nations were repeatedly violated, and the property of foreign merchants preyed upon by the corrupt and venal agents of the Government. (See the history of the claims of American citizens.)

The termination of Victoria's presidency was disgraced by the quarrel between the rival candidates for the succession, which, after a bloody contest, terminated by elevating to the Presidency the unsuccessful candidate, General Guerrero, and the banishment of Pedrazo, his competitor. A short year, marked with disorder and misrule, terminated the career of this revolutionary hero. The struggle cost him his power and his life, and the whole country was convulsed by this civil strife. The Vice President, Bustamente, succeeded Guerrero, but the war continued in different parts of Mexico, rendering life and property insecure. After a short period of convulsions, Bustamente was banished and Santa Anna succeeded to power. He was elevated by the joint efforts of the aristocracy and the priesthood, who made use of the successful soldier of fortune to overthrow the free institutions of the country. His reign of misrule and career of blood will be presently noticed. He is now at Mango de Clavo, the tiger in his lair, ready to go forth seeking whom he may devour. It is true, Bustamente is again in power, but it is notorious that the people have been juggled out of their liberties, and are dissatisfied. The Government which was their choice has been overthrown, and centralism forced upon them by the sword; this change sanctioned by mock acts of a spurious legislature, and the States reduced to submission by force.

With this brief view of the factious struggles of Mexico, the undersigned approaches the exposition of the history of Texas, which he conceives to be an important preliminary to the due consideration of the subject of annexation.

Until the settlement of Austin's first colony in 1821, Texas, for the most part, was an unexplored wilderness. The Spaniards had endeavored in vain to rescue it from the wild tribes of the forest. So early as the year 1698 the old Spanish town of Bexar was founded; in 1716, La Bahia, afterwards Goliad; Nacogdoches in 1732; Victoria at a later period. But these old Spanish settlements continued to be surrounded by prowling parties of savage Indians, and, up to the year 1821, Texian civilization was only to be found within the narrow precincts of their respective jurisdictions.

On the 17th of January, 1821, Moses Austin obtained permission from the Supreme Government of the eastern internal provinces of New Spain, at Monterey, to settle a colony of emigrants in Texas, and in the month of December following, his son, Stephen F. Austin, who had undertaken the enterprise in obedience to the testamentary request of his father, appeared upon the river Brazos with the first Anglo-American settlers. From that period may

be dated the Anglo-American history of a country which has grown into notice with unexampled rapidity, and already presents itself as another monument of the indomitable energy of the extraordinary race by which it was populated.

In the mean time Mexico had shaken off the Spanish yoke, and established herself as a sovereign and independent Government. Anxious, however, to increase her political influence and resources by every means in her power, and prompted by a desire to repress the Indians on her northern frontiers, observing, too, the beneficial effects resulting from the liberal system of naturalization adopted in the United States, she determined to pursue a similar course of policy in relation to aliens.

Accordingly, on the 4th of January, 1823, a national colonization law was adopted by the Mexican Congress, and approved by the Emperor, Don Augustin Iturbide, and on the 18th of February a decree was issued, authorizing Austin to proceed with his colony; which decree, after the abdication of Iturbide, and the change of government consequent thereon, was confirmed by the first Executive Council, in accordance with a special order of the Mexican Congress.

On the 2d of February, 1824, the federal constitution of Mexico, based upon that of the United States, was proclaimed as the established polity of the land; and, by a decree of the 7th of May, of the same year, the provinces of Texas and Coahuila were provisionally united, to form one of the constituent and sovereign States of the Mexican confederacy.

On the 18th of August another general colonization law was passed, and ratified by the Supreme Government at the city of Mexico, and foreigners emigrating to the country, and complying with the terms of the said law, were guarantied in the protection of their persons and property, and all the rights, liberties, and immunities of Mexican citizens. Moreover, by the State colonization law of Coahuila and Texas, of the 24th of March, 1825, they were specifically invited to come and settle within the limits of that especial State jurisdiction.

Under these various enactments, but particularly after the adoption of the federal constitution, the current of emigration continued to flow in and spread itself with accelerated rapidity over the fertile domain of the then province of Texas. The forest gave way to the axe of the pioneer; the wild prairie to the ploughshare of the husbandman. Plantations were opened. Villages sprung up on the hunting-ground of the savage. New colonies were introduced, planted, fostered, and matured; and in the brief period of nine years from the first settlement under Austin, the enterprise of the Anglo-American settler had explored the whole southern moiety of the province, redeemed it from the wilderness of the wild beast and the savage, covered it with a hardy and industrious population, and intermixed his labor with its most valuable soils.

True, in emigrating to Texas, the enterprising colonist had expatriated himself, and foregone the well-tried institutions of his motherland; but the institutions he now lived under were modelled upon those he had reluctantly abandoned. His spirits and his habits, and his inbred and uncompromising republicanism continued the same, and he was as ready to resist the invasion of his chartered rights under the Mexican constitution of 1824, as he would have been to have thrown himself into the breach in behalf of that sacred instrument under which he had been born and educated.

Up to the year 1830, the people of Texas had taken but little concern in the series of political convulsions which had so closely followed one another in the interior of Mexico. So long as they were left unmolested in the enjoyment of their own rights, their natural disposition for peace restrained them from participating in the internal commotions of the other States. But their rapidly growing strength, and steady adherence to republican principles, began now to attract the notice and excite the jealousy of the Supreme Government. This was plainly evinced by the passage of the arbitrary law of the 6th of April, 1830, by which the further introduction or immigration of American settlers into Texas was expressly and totally prohibited for the future. Military posts were established over the province; the civil authorities were trampled under foot, and the people of Texas, for a time, were subjected to the capricious tyranny of unrestrained military misrule.

In 1832, Bustamente had established himself upon the ruins of the federal constitution. The colonists now flew to arms. On the 26th of June, with greatly inferior numbers, they besieged and took the fort of Velasco. They then attacked the garrison at Anahuac, and reduced that also. This achievement was shortly followed by the reduction of the garrison at Nacogdoches, and, in December of the same year, upon the suspension of hostilities between Generals Santa Anna and Bustamente, the colonists found themselves once more in the quiet enjoyment of the rights guarantied to them by the constitution and the laws under which they consented to become Mexican citizens.

1833. Texas, now conscious of her integral strength, and anxious to be erected into a separate State, in conformity with the decree of the 7th of May, 1824, which had promised and secured to her a separate constitution, so soon as she was in possession of the necessary elements of self-government, assembled a general convention at San Felipe, for the purpose of draughting an instrument suited to the wants and peculiar character and habits of her people. Accordingly, in the spring of the same year, Stephen F. Austin was commissioned to present the constitution agreed upon, with a petition for the fulfilment of the said decree of the 7th of May. The respectful petition of the people of Texas was treated with disdain, and their commissioner incarcerated in a dungeon.

1835. Affairs were now verging to an important crisis. General Antonio Lopez de Santa Anna had openly declared in favor of centralism, which, however specious in its pretences, was really based upon the downfall of the State Governments, and the consolidation of all power, civil and military, in the hands of a single individual. Many of the States had recourse to arms in support of their sovereignty, and Santa Anna took the field against them. The blood-stained march of the usurper was invariably attended with the most triumphant success. One by one the States toppled and fell. The Legislature of Coahuila and Texas was dissolved at the point of the bayonet. The noble State of Zacatecas, battling to the last for her liberties, and weltering in the life-blood of her butchered citizens, was forced to yield to the relentless terms of the dictator. Mexican liberty fled, and found her only place of refuge among the Anglo-Americans of Texas.

Corresponding committees of safety and vigilance were now formed in all the municipalities of the province. With a single voice, they declared for the support of the constitution, and an immediate appeal to arms. There was no alternative left them, and the people of Texas plunged into the contest for the protection of their liberties. On the 28th of September, 1835, they defeated a detachment of Mexicans at Gonzales. On the 9th of October, they stormed and took the strong fortress of Goliad. In the same month, they invested the city of San Antonio de Bexar. On the 28th, they fought the battle of Conception, and with ninety-two men obtained a signal victory over four hundred Mexican regulars. On the 3d of November, they captured the garrison at Sepantillan. Shortly after, they defeated the enemy at San Patricio. On the 8th, the Mexicans were again discomfited in the vicinity of San Antonio. On the 26th, they were once more routed, with very considerable loss. On the 5th of December, the town of San Antonio was stormed by three hundred Americans, under

the gallant Milam, and, after five days' incessant fighting, General Cos was forced to capitulate, and thirteen hundred Mexicans were set at liberty, on their parole of honor "that they would not, in any way, (thereafter,) oppose the re-establishment of the federal constitution of 1824." Thus ended the first campaign, and the tri-colored flag of the constitution still continued to wave in Texas—but of all Mexico, in Texas alone.

November 3, 1835. In the mean time, the delegates of the people had assembled in "general consultation" at San Felipe de Austin. Their deliberations resulted in a solemn declaration that they had taken up arms in defence of the republican principles of the federal constitution of 1824; that they would continue faithful to the Mexican confederacy, so long as it should be governed by the constitution and laws that were framed for the protection of their political rights; that they were no longer morally or civilly bound by the compact of union, but that, stimulated by the generosity and sympathy common to a free people, they offered their support and assistance to such of the members of the confederacy as would take up arms against military despotism. This declaration met with no response from the interior, and Texas was left alone and single-handed to carry on the war against the forces of the dictator.

In the month of February, 1836, General Santa Anna appeared on the river San Antonio, in Texas, at the head of a well-appointed army of eight thousand men. On the 21st he entered the town of San Antonio de Bexar, and the Texian garrison, one hundred and fifty in number, retired within the walls of the Alamo. On the 6th of March, after an incessant bombardment of several days, the Alamo was taken by assault, and Travis, Bowie, and Crockett, with their little band of heroes, were all put to the sword. The Mexican loss before this fort, in killed and wounded, amounted to near fifteen hundred. On the 18th of March, near Goliad, the Texians under Fannin were surrounded and attacked by a much superior force of Mexicans under Urrea, in the middle of an open prairie. The enemy were at first beaten off, but the next morning receiving a strong reinforcement with artillery from Goliad, the Texian troops, being completely hemmed in, and cut off entirely from water, surrendered on condition of being released on parole, and transported to the United States. The terms of the capitulation were shamefully violated, and Fannin and his comrades were treacherously massacred in cold blood.

Notwithstanding the near approach of the Mexican forces, reeking as they were from their recent victories in the interior, and headed by a leader whom they believed to be invincible, the newly-elected convention met at Washington at the appointed time, and, in conformity with their instructions, on the 2d day of March, 1836, made a formal and absolute declaration of independence. They then proceeded to frame a constitution, to be submitted to the people of independent Texas for adoption; and, after organizing a Government ad interim, composed of a President, Vice President, and cabinet, they adjourned in time for many of their number to join the patriot army under General Houston before his meeting with the enemy. On the 21st of April Texian independence was sealed and consecrated by the blood of its enemies on the field of San Jacinto. The Mexican General and President was there met by General Houston, the division he commanded in person totally annihilated, he himself was made prisoner, and became a suppliant for the poor boon of his forfeited life, at the hands of a magnanimous victor. On the 24th of April the shattered remnant of the Mexican army, amounting in all to only four thousand worn-out and dispirited wretches, commenced their retreat in the most miserable condition, and were permitted to leave the country with all possible celerity, in accordance with the terms of the armistice agreed upon with their captive leader and his next in command.

It is thus that Texian independence has been achieved. The justice of this Government has proclaimed to the world its acknowledgment of that independence, and its recognition of Texas as one of the sovereignties of the earth. The undersigned feels emboldened by these high reflections, and approaches, with an anxious solicitude, but a just confidence, the proposition to unite the two people under one and the same Government.

Numerous examples of the amalgamation of sovereignties may be found in the history of nations, but force, and not a mutual affection and interest, has been the general inducement to the formation of such bonds, and it is, perhaps, impossible to find in the annals of any age a complete precedent of the one now under discussion. Texas seeks to be annexed, first and foremost, because she is a nation of the same blood with the people of the United States. The history of this country is her history. She claims annexation by the kindred ties of blood, language, institutions; by a common origin, by a common history, and by a common freedom. Her gallant sons were born upon your soil, and they exult in the conviction that at Goliad, San Antonio, Conception, and San Jacinto, they attested the legitimacy of their Anglo-American blood; and, appealing to victories in the cause of liberty, they ask if the single star of Texas is not worthy to be added to the brilliant cluster on their mother flag!

In the short period of two years Texas has revolted, formed a provisional Government, declared her independence, achieved it by the sword, formed and adopted a civil constitution, established a permanent Government, and obtained at the hands of one of the most powerful Governments in the world an acknowledgment of her independence. She has a territory estimated at near two hundred thousand square miles; a population of one hundred thousand, capable of promptly throwing into the field an army of eight thousand strong; and such is the fertility of her soil, and the industry of her people, that, besides the productions necessary for the support of her population, her exports of cotton will probably this year amount to fifty thousand bales. Her revenue, arising from imposts and taxes under a law of the late Congress, without reference to the income accruing from the sales of the public domain, has been estimated at half a million of dollars. The great extent of her public domain, capable of sustaining a population of ten millions, embracing every variety of soil, and blessed with a climate most propitious for agricultural pursuits, justifies the assertion that Texas is, for her population, a nation of equal resources with any other on the globe. The undersigned, therefore, feels confident that the honorable the Secretary of State will at once perceive that the people of Texas, in assigning their affection for the people of the United States, as their principal reason for desiring annexation, are amply provided with all the resources to become of themselves a powerful nation.

Thus, then, it is that Texas, in seeking to place herself among the States of the Union, is prompted mainly by a filial reverence for the constitution and the people of the United States. She has no expectation of an invasion, much less of a reconquest, at the hands of Mexico. The humiliating defeat and capture of General Santa Anna at San Jacinto is too fresh upon the memories of her soldiery to justify the indulgence of any such apprehensions. Nor does she seek annexation as a shield of protection against the interference of European monarchies. Since the recognition of her independence by the Government of this country, she has too much reliance upon the wisdom and the justice of England and France to suppose that either of the crowned heads of those two nations will occupy any other than positions of the most decided neutrality with reference to the difficulties between Mexico and herself; and should this proposition of annexation not be acceded to by this Government, she confidently expects at the hand

of every civilized nation of Europe the honors of a recognition as a preliminary step to the formation of treaties of amity and commerce.

In reviewing the interests of the two republics, involved in this question of annexation, the undersigned cannot concede that the United States encounters an equal sacrifice with the people of Texas. Texas brings to this negotiation not only the resources already recapitulated, but her sovereignty. She brings, too, that which in the eyes of the naval Powers of Europe, will constitute the material ground for the formation of the most liberal commercial treaties, viz: her immense forests of live oak, comprising, according to the estimate of President Houston, in his message of the 5th of May, 1837, "four-fifths of all that species of timber now in the world." She brings, too, a market for all the various manufactures and for all the agricultural products of the United States, excepting those of cotton and sugar, and these she will contribute from her own soil to swell the already colossal amount of the exports of this nation. The territory, and with it the enterprise of the country will be extended; her political power will be increased, and the undersigned trusts that he will not be considered intrusive in expressing his deep conviction that the union of these States will be strengthened by the annexation of a people whose proudest impulses are for its continuance and glory.

What advantage the United States brings to this negotiation, the undersigned will not presume to suggest. Her immense resources, her splendid fleets, her power to raise armies, her magnificent Government, her unexampled career of prosperity, her incomparable administration of justice, and, finally, all her attributes of greatness, are sources of as much congratulation to the people of Texas as they can possibly be to herself. What Texas wishes at the hands of the Government of this Union is simply annexation, an amalgamation of flags; and the undersigned assures the honorable the Secretary of State that this is the solitary advantage which he seeks to gain in this negotiation, but which, he begs leave to say, he hopes to accomplish upon the high principle of a strict adherence to the just rights and dignity of the sovereignty of the Texian nation.

The undersigned will not conceal from the honorable the Secretary of State, his apprehensions that any delay in the conclusion of the treaty of annexation may be fatal to its ultimate accomplishment. Diplomatic relations with foreign Powers are now in the progress of being established, and the result of these interchanges will be commercial treaties, involving difficulties which may be insurmountable in any subsequent arrangement of the question, and, therefore, the undersigned is especially instructed to urge, with as little delay as possible, the immediate discussion and negotiation of a treaty of annexation. Texas is not disposed to yield to any foreign nation the privileges of her coast, involving the command of the Gulf of Mexico, nor can she concede them to the United States, unless in a treaty of union. As an independent Power, her interests would conflict with those of the United States, and, without annexation, her struggle in the formation of commercial treaties would most naturally be directed to the establishment of the principle of a preference of her cotton and other products in foreign markets over those of the United States, and such relations, when once established, would, it will be at once perceived, very much embarrass, if not render totally impracticable, a treaty of annexation.

It is a matter not to be disguised, that Texas must chiefly people her extensive domain from the United States. With a soil better adapted to the cultivation of cotton and sugar than that of this country, and with all the benefits of commercial treaties concentrated upon the advancement of these two interests, she would present herself as a powerful rival to the agriculture of this Union. With the same political institutions, a cheaper soil, and superior advantages to the cotton and sugar planter, she would drain this country of much of its most valuable labor and population, but whether to such an extent as seriously to affect the interest of the United States, the undersigned will not presume to suggest. Texas, too, as an independent nation, must, in the regulation of her land system, present, in the cheapness of her prices, the highest inducements to emigration; and will, no doubt, soon claim the attention of that trans-Atlantic enterprise and capital which now flow into the United States.

The undersigned begs leave most respectfully to suggest to the honorable the Secretary of State, that in the event of Texas remaining in the attitude of an independent Power, there will arise, from the very strict resemblance of the people and the institutions of the two countries, many questions of conflicting interest, the adjustment of which will be most difficult and painful. It would be impossible for the people of Texas to regard those of the United States in the character of foreigners, and separated from one another by only an imaginary line. It may fairly be predicted that the local authorities of the two Powers would come into frequent and violent collision. The administration of the law would be interrupted, or its penalties evaded; and, in the general entanglement of jurisdictions upon the frontier, it is feared that public justice would not be well sustained. It would be impracticable for either Power to enforce its revenue system, and should the tariffs of the two countries differ essentially, as must be the case, nothing but the enforcement of the most cruel and unpopular laws could possibly secure the just collection of custom-house duties.

The undersigned, in discussing this question, begs to call the attention of the honorable the Secretary of State to the fact, that the annexation of Texas would insure to the United States the complete command of the Gulf of Mexico. There is no point on the whole coast of that magnificent sea more admirably suited to the purposes of a naval depot than Galveston; and, situated as it is in the midst of interminable groves of live oak, ships of war might be built and equipped for sea, as it were within sight of the very forests out of which they were constructed. This country having already a vast interest to protect on the shores of the Gulf of Mexico, the concentrated trade of the West at New Orleans, of Alabama at Mobile, and of the Florida cities, would find, in the possession of Texas, the means of occupying a position of decided supremacy over the waters of the Gulf; and it is questioned whether even the possession of Cuba would bring with it those facilities of controlling and keeping in check the pretension of a rival Power, which would accrue from the extension of the limits of the United States to the line of the Rio del Norte.

It is most respectfully suggested whether the annexation of Texas would not contribute to insure the peace of the Indian frontier of the two countries, and thus extend to the farthest southwest the boundaries of civilization and the protection and privileges of order and good government. By her admission into the Union, the present Southwestern States could be easily protected from the numerous tribes of the Camanches and other savages now accumulated on their frontier, and it is questioned whether any thing would so impress the minds of the Indian warriors with a sense of our power as the union of two people, whom, even divided and single-handed, they found to be invincible in arms.

The undersigned most respectfully represents to the honorable the Secretary of State, that in this paper he does not presume to have presented all the inducements to the union of the two republics. He has not thought it respectful to trespass upon the attention of the honorable the Secretary of State, either by an extended detail of the resources of Texas, or of the mutual benefits involved in a

treaty of annexation. The mineral wealth of the country, comprising valuable mines of silver and lead, immense strata of iron and coal, and salt-springs in great abundance, has not been properly appreciated. Nor has the undersigned thought it necessary to allude to the immense fur trade which would be thrown into the lap of the enterprise of the United States by the annexation of Texas. The great aid and facilities which Texas, as an integral part of this Union, might render to the adventurous traders, who, in caravans, penetrate from Missouri to Santa Fé, and in general to the inland trade of the United States, with the countries bordering on the Pacific, have all been left unexplained; and the undersigned throws himself upon the courtesy of the honorable the Secretary of State in desiring him to believe that, as he has not entered into any of the details of such a treaty of annexation as Texas might propose, but confined himself to the submission of the proposition itself, so he has not thought fit to discuss severally all the various interests involved, but merely has subjected them to a general, and, he trusts, a candid review.

In closing this paper, the undersigned appeals to the honorable the Secretary of State, and, referring him to the details of the history of the Texian revolution herein set forth, asks, in the name of national honor, humanity, and justice, if a nation whose career has been marked, like that of Mexico, by a constant violation of the most solemn treaty obligations, by a series of the most licentious revolutions, by a most shameful prostitution of the lives, the liberties, and the property of her people, and, in short, by every act of perfidy and cruelty recorded in the history of barbarians, has not thereby forfeited all claims to the respect of the Governments of civilized nations? Look to her continued interruptions of the peaceable citizens of Texas, industriously engaged in the improvements of their estates, and in the actual aggrandizement of the Mexican empire; to her demolition by military force of the constitution of 1824; to her bloody war of extermination under President Santa Anna; to her butchery of those gallant Texians who surrendered their arms under the sacred flag of a capitulation in which their lives were guarantied; and pronounce, if the enormity of her misdeeds entitles her to be any longer considered, the undersigned will not say a nation of responsibility, but even of humanity. The undersigned, however, forbears to continue this appeal, so irrelevant, and perhaps so unnecessary, to the due consideration of the subject under discussion. The world will do ample justice to the magnanimity of Texas in forbearing to visit upon the heads of the recreant tyrant and his captured host that retaliation which their offences against the laws of nations and the rights of mankind so signally deserved.

In conclusion, the undersigned most respectfully begs leave to congratulate the honorable the Secretary of State upon the spectacle exhibited in this discussion, and which is so honorable a commentary upon the excellency of the Government of this country, viz: a sovereign, free, and warlike people, fresh from the field of their own victories and glory, seeking to surrender their nationality as the price of a place among the United States, to become participants of the wisdom of its laws, and the renown of its arms.

The undersigned, minister plenipotentiary and envoy extraordinary of the republic of Texas, apologizes to the honorable the Secretary of State of the United States, for the great length of this note, and begs to tender to the honorable the Secretary of State renewed assurances of his most distinguished consideration.

MEMUCAN HUNT.

To the Hon. JOHN FORSYTH,
*Secretary of State of the United States.*

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To General MEMUCAN HUNT, &c.

The undersigned, Secretary of State of the United States, has had the honor to receive the note of his excellency General Hunt, envoy extraordinary and minister plenipotentiary of Texas, dated the 4th instant, proposing a negotiation for the purpose of annexing that country to the United States.

That communication has been laid before the President, who has considered it with just sensibility. In giving to the undersigned instructions to present, in reply, a prompt and decisive indication of the course it has been deemed necessary to adopt, the President indulges the confident expectation that no unfriendly spirit towards the Government or the people of Texas will or can be imputed to the United States.

Neither the duties nor the settled policy of the United States permit them to enter into an examination of the accuracy of the historical facts related by General Hunt, nor to allow them, if even admitted to be correct, to control the decision of the question presented by him. The United States were foremost in acknowledging the independence of Mexico, and have uniformly desired and endeavored to cultivate relations of friendship with that Power. Having always, since the formation of their Government, been exempt from civil wars, they have learnt the value of internal quiet, and have consequently been anxious yet passive spectators of the feuds with which their neighbor has been afflicted. Although in the controversy between Texas and Mexico, circumstances have existed, and events have occurred, peculiarly calculated to enlist the sympathies of our people, the effort of the Government has been to look upon that dispute also, with the same rigid impartiality with which it has regarded all other Mexican commotions.

In determining with respect to the independence of other countries, the United States have never taken the question of right between the contending parties into consideration. They have deemed it a dictate of duty and policy to decide upon the question as one of fact merely. This was the course pursued with respect to Mexico herself. It was adhered to when analogous events rendered it proper to investigate the question of Texian independence. That inquiry was made with due circumspection, and the result was not arrived at until its probable consequences had been accurately weighed. The possibility of a collision of interests, arising, among other causes, from the alleged superior aptitude of the climate and soil of Texas for the growth of some of the staples of the United States, was not overlooked. A sense of duty and a reverence for consistency, however, it was considered, left this Government no alternative, and it therefore led the way in recognising Texas. A hope was certainly entertained that this act, and the motives that conduced to it, even if no other considerations were to have influence, would point out to the Government of Texas the propriety not only of cherishing intimate and amicable relations with this country, but of abstaining from other connexions abroad which might be detrimental to the United States. Apart from this, however, it was presumed that Government would enter upon the execution of the intentions intimated by its envoy extraordinary, with respect to connexions with foreign Powers, with a full understanding of the just and liberal commercial stipulations existing between the United States and other nations. A pervading principle of those compacts is impartial treatment of the citizens, vessels, and productions of the parties in their respective territories. As it was not to be believed that the commercial allies of the United States would swerve from their engagements, no apprehension was felt that the interests of this country would suffer from the arrangements which Texas might enter into with them.

The question of the *annexation* of a foreign independent State to the United States has never before been presented to this Government. Since the adoption of their

constitution, two large additions have been made to the domain originally claimed by the United States. In acquiring them this Government was not actuated by a mere thirst for sway over a broader space. Paramount interests of many members of the confederacy, and the permanent well being of all, imperatively urged upon this Government the necessity of an extension of its jurisdiction over Louisiana and Florida. As peace, however, was our cherished policy, never to be departed from unless honor should be perilled by adhering to it, we patiently endured for a time serious inconveniences and privations, and sought a transfer of those regions by negotiations and not by conquest.

The issue of those negotiations was a conditional cession of these countries to the United States. The circumstance, however, of their being colonial possessions of France and Spain, and therefore dependent on the metropolitan Governments, renders those transactions materially different from that which would be presented by the question of the annexation of Texas. The latter is a State with an independent Government, acknowledged as such by the United States, and claiming a territory beyond, though bordering on the region ceded by France, in the treaty of the 30th of April, 1803. Whether the constitution of the United States contemplated the annexation of such a State, and if so, in what manner that object is to be effected, are questions, in the opinion of the President, it would be inexpedient, under existing circumstances, to agitate.

So long as Texas shall remain at war, while the United States are at peace with her adversary, the proposition of the Texian minister plenipotentiary necessarily involves the question of war with that adversary. The United States are bound to Mexico by a treaty of amity and commerce, which will be scrupulously observed on their part, so long as it can be reasonably hoped that Mexico will perform her duties and respect our rights under it. The United States might justly be suspected of a disregard of the friendly purposes of the compact, if the overture of General Hunt were to be even reserved for future consideration, as this would imply a disposition on our part to espouse the quarrel of Texas with Mexico—a disposition wholly at variance with the spirit of the treaty, with the uniform policy and the obvious welfare of the United States.

The inducements mentioned by General Hunt, for the United States to annex Texas to their territory, are duly appreciated; but powerful and weighty as they certainly are, they are light when opposed in the scale of reason to treaty obligations and respect for that integrity of character by which the United States have sought to distinguish themselves since the establishment of their right to claim a place in the great family of nations. It is presumed, however, that the motives by which Texas has been governed in making this overture, will have equal force in impelling her to preserve, as an independent Power, the most liberal commercial relations with the United States. Such a disposition will be cheerfully met in a corresponding spirit by this Government. If the answer which the undersigned has been directed to give to the proposition of General Hunt should unfortunately work such a change in the sentiments of that Government as to induce an attempt to extend commercial relations elsewhere, upon terms prejudicial to the United States, this Government will be consoled by a consciousness of the rectitude of its intentions, and a certainty that, although the hazard of transient losses may be incurred by a rigid adherence to just principles, no lasting prosperity can be secured when they are disregarded.

The undersigned avails himself of the occasion to offer General Hunt renewed assurances of his very distinguished consideration. JOHN FORSYTH.

DEPARTMENT OF STATE,
*Washington, August* 25, 1837.

*General Hunt to Mr. Forsyth.*

TEXIAN LEGATION,
*Washington city, September* 12, 1837.

SIR: The undersigned, envoy extraordinary and minister plenipotentiary of the republic of Texas, has the honor to acknowledge the receipt of the note of the honorable Mr. Forsyth, Secretary of State of the United States, of the 25th of August, in reply to the proposition which he had the honor to submit on the 4th of the same month, to negotiate a treaty for the annexation of Texas to the United States.

The undersigned was aware that, in recognising the independence of Texas, the question of right was not taken into consideration by the Government of the United States. It was with a proper understanding of the settled policy of this Government in similar cases, that the claim of Texas to the justice of a recognition was placed by his colleague and himself upon her actual existence as an independent Power, and the impossibility of a reconquest at the hands of Mexico. Although, by the issue of that negotiation, the question of fact was satisfactorily determined, it was not deemed inappropriate, after the misrepresentations of the late envoy extraordinary and minister plenipotentiary of Mexico, to preface the proposition for the annexation of Texas to the United States with a plain statement of the causes which led to, and the events which grew out of, her separation from Mexico, so conclusively showing that they can never be reunited; and, for an additional reason, which he will presently show, the undersigned adheres to the opinion that the simple narrative of facts which the honorable Secretary of State declines examining into, cannot be regarded as irrelevant in a proposition for the annexation of Texas to the United States.

The venerable ex-President, General Jackson, was so strongly impressed with a belief, at one time during his administration, that the negotiation then pending for the acquisition of Texas would be brought to a speedy and favorable issue, that he tendered the office of Governor of the Territory of Texas to the late Governor H. G. Burton, of North Carolina, to be entered upon so soon as the treaty of cession should be completed. (See a publication on the subject of Governor Burton's appointment.) The same principles, it appears to the undersigned, were involved in the negotiation for the acquisition of Texas from Mexico, previously to the recognition of the independence of the latter by Spain, which are now presented by the question of the annexation of Texas to the United States previously to the recognition of *her* independence by Mexico; and had his excellency, the President of the United States, entertained any inclination to negotiate a treaty for the annexation of Texas, a hope which had been fondly cherished, as he had expressed a determination to carry out the measures and conform to the general policy of his venerable predecessor, it does appear to the undersigned, but with distinguished deference to the honorable Mr. Forsyth's opinions to the contrary, that neither a sense of duty nor the settled policy of this Government, during the administration of the venerable ex-President, would have prevented an examination into the accuracy of the historical facts accompanying the proposition. That brief compendium, which is believed to be correct, will show that there is as little prospect of the recovery of Texas by Mexico at this time as there was of the reconquest of Mexico by Spain, at the time that General Jackson believed that the chargé d'affaires (Mr. Butler) of this Government had succeed in negotiating the acquisition of Texas. If the act of the annexation of Texas would involve the United States in a war with Mexico at this time, the undersigned is at a loss to perceive why a similar result was not anticipated with Spain in event of a cession of Texas by Mexico. Texas asked nothing more of the United States, in proposing to negotiate for her annexation, than

the United States had previously desired of Mexico, when General Jackson was at the head of this Government; for Mexico was then as much at war with Spain as Texas now is with Mexico; and it is believed that as friendly treaty and commercial relations existed between Spain and the United States at that time as are now maintained between the United States and Mexico.

In addition to the fact that this Government, when administered by the sage of the Hermitage, proposed the acquisition of Texas by purchase from Mexico, many years before the recognition of her independence by Spain, the undersigned most respectfully invites the attention of the honorable the Secretary of State to the report of the House of Representatives of the State of Mississippi, contained in a newspaper which he herewith presents. That report, which is said to have been adopted unanimously, alludes in strong terms to the subject of the right of this Government to admit Texas into its confederacy; and the undersigned refers to it thus particularly, that he may be sustained by high authority, when he assures the Secretary of State of the United States, that, in submitting the proposition of annexation, it was far from his intention to ask the Government of the United States to accede to a measure which Mr. Forsyth was instructed to say was believed to involve unjust principles. The undersigned assures the Secretary of State of the United States, that he could not knowingly consent to be the medium of presenting any proposition asking of the United States a disregard of just principles.

The honorable Mr. Forsyth will pardon the undersigned for expressing the opinion which appears to him undeniable, that a sovereign Power has as perfect a right to dispose of the whole of itself, and a second Power to acquire it, as it has to dispose of only a part of itself, and a second Power to acquire that part only; and that the acquisition of the whole territory of a sovereign Power could no more be objected to on the ground of constitutional right, than the acquisition of a part of that territory only. The material difference alluded to by Mr. Forsyth, between the annexation of independent Texas, by her own voluntary act, and the acquisition of the colonial provinces of Louisiana and Florida, by the act of their respective Governments, is acknowledged. But the difference is conceived to be altogether in favor of the former, for the reason that the annexation of Texas would be an act of free will and choice on the part of the Government and people, who own, and actually occupy the very territory proposed to be transferred, while the latter would seem to have been the result of an arbitrary right on the part of the metropolitan Governments to dispose of the territorial possessions ceded by them, without regard to the wishes of the inhabitants residing thereon.

After the assurance of the honorable Mr. Forsyth, that a sense of duty and a reverence for consistency, left his Government no alternative in leading the way in recognising the independence of Texas, the undersigned confesses some surprise at the intimation of Mr. Forsyth, that the circumstance of her having been *first* recognised by the United States, should in any manner influence the foreign intercourse of Texas. However much the Government of Texas may be disposed to encourage the most friendly relations with the Government of the United States, the undersigned assures the honorable Secretary of State, that the Government of Texas does not consider that any particular foreign policy was implied or made binding upon her by the circumstance of her independence having been first recognized by the Government of the United States. The representatives of Texas, in their interchanges with foreign Powers, will not accept the recognition of her independence, unless it is unconditional in this respect. In all their negotiations and treaties with foreign Powers, the best interests of their own Government and people will doubtless be consulted, and must indicate the policy which they will be directed to adopt. With even the same permanent policy in its commercial interchanges with the United States, which may exist with the most favored nation, the undersigned cannot guaranty for his Government that any advantages accrue therefrom to the manufacturing interests of the United States; for it is understood that that great interest is mainly sustained in the United States by the protection afforded by high duties against the competition of similar interests in foreign nations, where labor and the facilities for manufacturing are more available, and at cheaper rates. Such being the case, it is apparent that, even should no detriment accrue to the manufacturing interests of the United States from the vicinity of Texas as an independent nation, certainly no advantages affecting that interest can be anticipated.

The apprehension of the honorable Mr. Forsyth, that the refusal of this Government to negotiate for a treaty of annexation, thereby declining all the commercial and other advantages which would be secured by that measure, may induce an attempt on the part of the Government of Texas to extend its commercial relations elsewhere on terms most favorable to its own welfare and prosperity is perfectly natural; but the undersigned assures Mr. Forsyth that such endeavors will not proceed from any unkind feelings to the Government and people of the United States; and he would take this occasion to reiterate the friendly disposition of the Government and people of Texas towards the Government and people of the United States, which he had the honor to communicate in his note of the 4th of August. Should, however, the foreign, commercial, and other relations of the republic of Texas necessarily become such as seriously to affect the interests of the United States, or any portion thereof, the undersigned conceives that it would be unreasonable for the Government and people who had been freely proffered all she could bestow, and yet declined the offer, to complain of her on the ground of looking to her own interest primarily. Texas has generously offered to merge her national sovereignty in a domestic one, and to become a constituent part of this great confederacy. The refusal of this Government to accept the overture must forever screen her from the imputation of wilfully injuring the great interests of the United States, should such a result accrue from any commercial or other relations which she may find it necessary or expedient to enter into with foreign nations.

Should it be found necessary or expedient hereafter, for the proper promotion of the interests of her own citizens, to lay high duties upon the cotton-bagging so extensively manufactured in the Western States, and upon the pork and beef and bread-stuffs, so abundantly produced in that region, such as would amount to an almost total prohibition of the introduction of those articles into the country, much as her Government and people would regret the necessity of the adoption of such a policy, she would be exculpated from the slightest imputation of blame for taking care of her own welfare and prosperity after having been refused admission into this Union.

The efforts which the Government of the undersigned is making to open a commercial intercourse with Great Britain and France, it is believed will succeed. Apart from the disposition of those two Powers to avail themselves of the great advantage which must result to every nation with which Texas may form intimate commercial relations, it is believed that they, as well as the United States, cherish a liberal sympathy for a people who have encountered the most cruel treatment at the hands of Mexico—a nation which has so little regarded the laws of civilized countries in prosecuting a savage war of extermination against the citizens of the Government of the undersigned, and that too against a people who proudly claim the realms of Britain and France as the homes of their ancestry. And the undersigned expresses a belief that the crowned heads

of England and France, and their majesties' ministers, will not be without some feelings of gratification when they become apprized of the successful civil and military career, although on a limited scale, it is true, of the decendants of British and French progenitors in Texas. General Houston, the President of the republic, is a native of the United States, but descended from English and Irish parentage. He commanded at San Jacinto, in one of the best battles, it is supposed, which have been fought since the introduction of fire-arms. The valiant General Mirabeau Lamar, Vice President of Texas, who commanded the cavalry in the same fight, is likewise a native of the United States, but claims his descent with pride from the French. And the undersigned again avows his persuasion that the crowned heads of England and France, and their majesties' ministers, will not be altogether insensible to feelings of sympathy and regard for a people whose Government is headed by individuals boasting their descent from the distinguished races over which their majesties preside.

Reason would seem to indicate that the foreign policy of Texas, will be dissimilar to that of the United States. Texas is now, and it is believed will continue to be, an almost purely agricultural country. The agricultural interest will claim the almost exclusive attention of the Government. Possibly, from the circumstance of her climate and soil being so well adapted to the growth of hemp, and the great demand for rope and bagging in a cotton-growing country, the manfactures of these solitary articles may be encouraged at an early period; but, with these single exceptions, it is not apprehended that the capital and labor of the country can be so profitably employed in any other species of industry as in the planting interest. On the other hand, the interests of the United States are numerous and greatly diversified; and it is presumed that it was found necessary to establish such a foreign policy as would best reconcile them and redound to the advantage of each.

With the most rigid adherence to whatever is just and right, the Government of Texas will naturally pursue such a course of policy, foreign and domestic, as will best conduce to the increase of her wealth and population, and thereby her national power and consideration. In its intercourse abroad, it will endeavor to find those markets where her agricultural products, cotton, sugar, rice, tobacco, &c., will obtain the highest prices, and where such articles as may be needed for her home consumption may be procured at the lowest rates. If these advantages are presented in a commercial intercourse with the United States, the undersigned need not say that the warm predilection of the Government and people of Texas for the Government and people of the United States would render such an intercourse as agreeable to the former as it would doubtless be advantageous to both.

The undersigned most respectfully assures the honorable Mr. Forsyth, and through him his excellency the President of the United States, that the prompt and decisive rejection of the proposition for the annexation of Texas to the United States will not be imputed to an unfriendly spirit to the Government and people of Texas.

The undersigned, envoy extraordinary and minister plenipotentiary of the republic of Texas, with the greatest satisfaction, renews to the honorable Mr. Forsyth, Secretary of State of the United States, the assurances of his most distinguished consideration and regard.

MEMUCAN HUNT.

To the Hon. JOHN FORSYTH,
*Secretary of State of the United States.*

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## BOUNDARY—UNITED STATES AND MEXICO.

*Message from the President of the United States, transmitting the information required by a resolution of the House of Representatives of the 13th ultimo, concerning the boundary between the United States and the republic of Mexico. October 3, 1837, read and laid upon the table.*

*To the House of Representatives of the United States:*

In compliance with the resolution of the House of Representatives of the 13th ultimo, concerning the boundary between the United States and the Mexican republic, and a cession of territory belonging to the Mexican confederation to the United States, I transmit a report from the Secretary of State, and the documents by which it was accompanied.

M. VAN BUREN.

WASHINGTON, *October* 2, 1837.

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*To the President of the United States:*

The Secretary of State, to whom was referred a resolution of the House of Representatives dated the 13th ultimo, requesting the President to communicate to that House, so far as may be consistent with the public interest, all the correspondence between the Government of the United States, and that of Mexico, concerning the boundary between them, and particularly concerning any proposition for a cession of territory belonging to the Mexican confederation to the United States; and also, all correspondence relating thereto between the Department of State and the diplomatic representatives of the United States in Mexico, and of the said Department with those of the Mexican republic accredited to the Government of the United States, has the honor to lay before the President copies of all the correspondence between the two Governments on the subject of the boundary line, not heretofore communicated to Congress, and of all the instructions to the representatives of the United States at Mexico, on the subject of a cession of territory by the Mexican confederation to the United States. No other correspondence between the Governments of the United States and Mexico has taken place on the subject of a cession of territory, either at Mexico or at Washington. In one of his communications to this Department, however, Mr. Butler mentions a note which he had addressed to Mr. Alaman on the 15th of July, 1832, giving his reasons for reviewing the question of boundary, and explaining the advantages which both nations would probably derive by changing the line from the Sabine. No copy of this note has ever been communicated to this Department, nor is there any draught or record of it in the archives of the legation of the United States at Mexico

The communications of the representatives of the United States to their own Government, on that subject, are within the limitation contained in the resolution referred to this Department.

All which is respectfully submitted.

JOHN FORSYTH.

DEPARTMENT OF STATE,
*Washington, October* 2, 1837.

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*List of papers accompanying the report of the Secretary of State to the President, dated October* 2, 1837.

Mr. Clay to Mr. Poinsett, March 26, 1825. Extract.
Mr. Torrens to Mr. Adams, February 15, 1824.
Mr. Clay to Mr. Poinsett, September 24, 1825. Extracts.
The same to the same, March 15, 1827. Extract.
Mr. Van Buren to the same, August 25, 1829.
Mr. Livingston to Mr. Mr. Butler, March 20, 1833. Extract.
Mr. McLane to the same, January 13, 1834.
Mr. Forsyth to the same, July 2, 1835. Extract.
The same to the same, August 6, 1835. Extract.
Mr. Poinsett to Mr. Clay, July 18, 1825. Extracts.
The same to the same, July 27, 1825. Extract.
Mr. Alaman to Mr. Poinsett, July 20, 1825.
Mr. Poinsett to Mr. Alaman, July 27, 1825.

Mr. Alaman to Mr. Poinsett, August 10, 1825. Extract.
Mr. Poinsett to Mr. Clay, September 20, 1825. Extract.
The same to the same, March 18, 1826. Extract.
The same to the same, July 12, 1826. Extract.
The same to the same, April 10, 1827.
The same to the same, October 6, 1827. Extract.
The same to the same, January 8, 1828. Extract.
The same to the same, February 7, 1828. Extracts. Protocols.
Mr. Poinsett to Mr. Clay, April 24, 1828. Extract.
The same to the same, April 26, 1828.
Mr. Poinsett to the Secretary of State, March 10, 1829. Extract.
Mr. Poinsett to Mr. Van Buren, July 22, 1829. Extract.
Mr. Butler to the same, May 19, 1830. Extract.
The Mexican plenipotentiaries to Mr. Butler, May 21, 1830. Translation.
Mr. Butler to Mr. Monasterio, July 25, 1832.
Mr. Gonzalez to Mr. Butler, February 14, 1833. Translation.
Mr. Butler to Mr. Gonzalez, February 16, 1833.
Mr. Gonzalez to Mr. Butler, February 21, 1833. Translation.
Mr. Gonzalez to Mr. Butler, February 27, 1833. Translation.
Mr. Butler to Mr. Garcia, September 6, 1833.
Mr. Garcia to Mr. Butler, September 25, 1833. Translation.
Mr. Butler to Mr. McLane, July 1, 1834. Extract.
The same to Mr. Lombardo, December 21, 1834.
Mr. Gutierrez de Estrada to Mr. Butler, February 7, 1835. Translation.
Mr. Butler to the President, February 26, 1835. Extracts.
Mr. Gutierrez de Estrada to Mr. Butler, March 29, 1835. Translation.
Mr. Obregon to Mr. Clay, March 19, 1828.
List of individuals, &c. Translations.
Mr. Clay to Mr. Obregon, March 24, 1828.
The same to the same, April 30, 1828.
Mr. Obregon to Mr. Clay, May 1, 1828. Translation.
Mr. Obregon to Mr. Clay, August 2, 1828. Translation.
Mr. Brent to Mr. Obregon, August 2, 1828.
Mr. Montoya to Mr. Van Buren, April 16, 1829. Translation.
Mr. Van Buren to Mr. Montoya, April 22, 1829.
Mr. Montoya to Mr. Livingston, March 26, 1832. Translation.
Mr. Livingston to Mr. Montoya, March 30, 1832.
Mr. Montoya to Mr. Livingston, March 31, 1832. Translation.
Mr. Livingston to Mr. Montoya, March 31, 1832.
Mr. Montoya to Mr. Livingston, April 3, 1832. Translation.
Mr. Montoya to Mr. Livingston, April 27, 1832. Extract. Translation.
Mr. Livingston to Mr. Montoya, July 20, 1832.
Mr. Castillo to Mr. McLane, December 2, 1833. Translation.
Mr. McLane to Mr. Castillo, December 31, 1833.
Mr Castillo to Mr. McLane, January 9, 1834. Extract. Translation.
Mr. Castillo to Mr. McLane, May 26, 1834. Translation.
The Minister of Foreign Affairs of Mexico to the Secretary of State of the United States, October 21, 1834. Translation.
Mr. Castillo to Mr. Forsyth, December 4, 1834. Translation.
Mr. Forsyth to Mr. Castillo, December 11, 1834.
Mr. Castillo to Mr. Forsyth, December 15, 1834. Translation.
Mr. Forsyth to Mr. Castillo, January 9, 1835.
Mr. Castillo to Mr. Forsyth, January 12, 1835. Translation.
Mr. Castillo to Mr. Forsyth, April 29, 1835. Translation.
Mr. Castillo to Mr. Forsyth, April 29, 1835. Translation.
Mr. Dickins to Mr. Castillo, May 11, 1835.
Mr. Castillo to Mr. Dickins, June 2, 1835. Translation. Copy of the convention. Translation.
Mr. Dickins to Mr. Castillo, June 4, 1835.
Mr. Castillo to Mr. Dickins, June 6, 1835. Translation.
Mr. Castillo to Mr. Forsyth, July 10, 1835. Translation.
Mr. Forsyth to Mr. Castillo, July 21, 1835.
The same to the same, February 1, 1836. Extract.
Mr. Gorostiza to Mr. Forsyth, March 28, 1836. Translation.
Mr. Forsyth to Mr. Gorostiza, April 1, 1836.
Mr. Gorostiza to Mr. Forsyth, April 4, 1836. Translation.
Copy of Mr. Gorostiza's general power. Translation.
Copy of Mr. Gorostiza's special power. Translation.
Mr. Forsyth to Mr. Gorostiza, April 13, 1836.
Mr. Gorostiza to Mr. Forsyth, April 18, 1836. Translation.
Mr. Forsyth to Mr. Gorostiza, April 18, 1836.
The declaration.

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*Mr. Clay to Mr. Poinsett.—Extract.*

DEPARTMENT OF STATE,
*Washington, March* 26, 1825.

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The final establishment of the limits between the territories of the United States and those of the United Mexican States is an interesting object, to which you will direct your attention. By the third article of the treaty "of amity, settlement, and limits, between the United States of America and his Catholic Majesty," concluded and signed at Washington on the 22d day of February, 1819, it is provided that "the boundary line between the two countries west of the Mississippi shall begin on the Gulf of Mexico at the mouth of the river Sabine, in the sea, continuing north, along the western bank of that river, to the 32d degree of latitude; thence by a line due north, to the degree of latitude where it strikes the Rio Roxo of Nafchitoches or *Red river;* then following the course of the Rio Roxo westward, to the degree of longitude 100 west from London and 23 from Washington; then crossing the said Red river, and running thence, by a line due north, to the river Arkansas; thence following the course of the southern bank of the Arkansas to its source, in latitude 42 degrees north, and thence by that parallel of latitude to the South sea. The whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, 1818. But if the source of the Arkansas river shall be found to fall north or south of latitude 42, then the line shall run from the said source, due south or north, as the case may be, till it meets the said parallel of latitude 42, and thence along the said parallel to the South sea. All the islands in the Sabine and the said Red and Arkansas rivers, throughout the course thus described, to belong to the United States; but the use of the waters and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the respective inhabitants of both nations."

By the fourth article, provision is made for the appointment, by each of the contracting parties, of a commissioner and surveyor, to fix, with more precision, the line described in the third, and to place the land-marks which shall designate exactly the limits of both nations; but it has not yet been carried into execution. That treaty having been concluded when Mexico composed a part of the dominions of Spain, is obligatory upon both the United States and Mexico. On the 15th of February, 1824, Mr. Torrens, the chargé d'affaires from Mexico near this

Government, addressed a note to this Department, (of which a copy is annexed,) in which he declares the willingness of the supreme executive power of Mexico to accede to the limits agreed upon in the third article above mentioned, and its readiness to co-operate with the United States in carrying into complete effect those two articles.

Some difficulties may possibly hereafter arise between the two countries from the line thus agreed upon, against which it would be desirable now to guard, if practicable; and as the Government of Mexico may be supposed not to have any disinclination to the fixation of a new line which would prevent those difficulties, the President wishes you to sound it on that subject; and to avail yourself of a favorable disposition, if you should find it, to effect that object. The line of the Sabine approaches our great western mart nearer than could be wished. Perhaps the Mexican Government may not be unwilling to establish that of the Rio Brassos de Dios, or the Rio Colorado, or the Snow mountains, or the Rio del Norte, in lieu of it. By the agreed line, portions of both the Red river and branches of the Arkansas are thrown on the Mexican side, and the navigation of both those rivers, as well as that of the Sabine, is made common to the respective inhabitants of the two countries. When the countries adjacent to those waters shall come to be thickly inhabited, collisions and misunderstandings may arise from the community thus established, in the use of their navigation, which it would be well now to prevent. If the line were so altered as to throw altogether on one side Red river and Arkansas, and their respective tributary streams, and the line on the Sabine were removed further west, all causes of future collision would be prevented. The Government of Mexico may have a motive for such an alteration of the line as is here proposed, in the fact that it would have the effect of placing the city of Mexico nearer the centre of its territories. If the line were so changed, the greater part, if not the whole, of the powerful, warlike, and turbulent Indian nation of the Camanches would be thrown on the side of the United States; and as an equivalent for the proposed cession of territory, they would stipulate to restrain, as far as practicable, the Camanches from committing hostilities and depredations upon the territories and people, whether Indians or otherwise, of Mexico.

But if you shall find that the Mexican Government is unwilling to alter the agreed line in the manner proposed, and that it insists upon the execution of the third and fourth articles of the treaty before mentioned, you are authorized to agree to the recognition and establishment of the line as described in the third article, and to the demarcation of it forthwith, as is stipulated in the fourth. But, in that case, you will urge, not however as a *sine qua non*, the insertion of an article in the treaty, by which each party shall undertake to restrain the Indians residing within his territories from committing hostilities upon the people, Indians, or territories, of the other. The example of such an article, which will at the same time furnish a model for that which is proposed, is to be found in the fifth article of the treaty of friendship, limits, and navigation, between the United States of America and the King of Spain, which was signed at San Lorenzo el Real, the 27th day of October, 1795. The hostilities which the President is desirous to restrain are afflicting to humanity when confined to the Indians themselves; but they often affect, collaterally, peaceable citizens who are no parties to them, and their property.

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*Mr. Torrens to Mr. Adams.*

WASHINGTON, *February* 15, 1824.

SIR: The supreme executive power of Mexico, wishing to remove all matters that might affect the good understanding which it is its desire to maintain with the Government of the United States of America, communicated to me, through the minister of internal and foreign affairs, the necessary instructions to solicit from this Government that the limits between the two countries be fixed according to the third article of the treaty of Washington of the 22d February, 1819, between the United States and Spain, drawing the line and establishing the land-marks by commissioners appointed by both Governments, in the same manner as was provided by the 4th article of the said treaty. I have, therefore, the honor to transmit the present communication to your excellency, in order to ascertain whether the Executive of the United States is disposed to acknowledge the said article, and will, accordingly, appoint the commissioners aforesaid; requesting at the same time, that your excellency may be pleased to inform me as early as convenient, of the intention of the President of the United States on the subject.

I am, with the highest respect, your excellency's most obedient servant, JOSE A. TORRENS.

His Excellency JOHN QUINCY ADAMS,
*Secretary of State.*

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*Mr. Clay to Mr. Poinsett—Extracts.*

DEPARTMENT OF STATE,
*September* 24, 1825.

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The President approves of your consenting to treat on the two subjects of commerce and limits separately. Indeed, it was never contemplated that one of them should be dependent on the other.

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The President sees, with regret, the reluctance on the part of the Mexican Government to agree to the opening of the road from Missouri towards Santa Fé. The road was intended for purely commercial purposes, and doubtless the people of both countries would be benefited by the exchanges which it would facilitate. No misconception could be greater than that of its having originated in views of territorial acquisition. If either party could lose by it, it would probably be the United States, many of whose enterprising citizens might be tempted, by the intercourse to which it would lead, in consequence of the greater cheapness, or other advantages, of the lands of the internal provinces, to migrate thither. The connexion between the fixation of limits and the proposed road is not perceived. Wherever the limits may now or hereafter shall be established, the road will be useful. It proposes no disturbance in existing or contemplated limits. In fact, an imperfect trace or road, such as it is, is now used; and the sole question is, whether it shall be rendered more convenient to the persons whose interest or inclination shall induce them to travel it. To defer making the road more visible and comfortable, for an indefinite period; to deny to the parties mutually a certain benefit, in prospect of a future and contingent arrangement, to which it has no necessary relation, does not seem advisable.

Nor does the President perceive the utility of a joint appointment by the two Governments, of "commissioners who, by examining, together, the country within a given latitude, from one sea to the other, might present exact information upon which the limits might be established, as is desired." After agreeing upon the principles on which a line of demarcation between the territories of two nations should be run, it has been usual to appoint, conjointly, commissioners to proceed to mark and abut the line. Their duty is then prescribed; and if any variance arises between them, observations and experiments, with proper instruments, generally enable them to reconcile it. But it has not been customary to send forth commissioners, either to agree upon a suitable boundary, or to collect data upon which the parties are subsequently to establish one. Such

a course would be to reverse the order of proceeding which is recommended by the practice and experience of nations. It would probably leave the state of information which should guide the two Powers pretty much as it now is. There is but little likelihood that the commissioners would agree, and each set would be influenced by the separate views of policy which it might happen to take of the particular country which it represented. If it were needful for both parties to acquire the knowledge which the Mexican Government supposes to be wanted, it would be better for each to send out its own exploring commissioners, under its separate instructions. For ourselves, although much, undoubtedly, remains to be known of the countries through which the line may be fixed, we believe that the stock of our information is sufficient to enable us to agree upon a boundary that would be satisfactory to us. In declining, however, to accede to the measure of creating a joint commission, the President would not be understood as objecting to a resort, by the Mexican Government, for its own satisfaction, to the appointment of commissioners for the purpose of collecting any information which it may desire. Should it persist in attaching importance to such a measure, the hope is indulged that no unnecessary time will be lost in sending out the commission, so that the negotiation, in regard to the limits, may be resumed with as little delay as possible.

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*Mr. Clay to Mr. Poinsett—Extract.*

DEPARTMENT OF STATE,
*Washington, March* 15, 1827.

SIR: The great extent and the facility which appears to have attended the procurement of grants from the Government of the United Mexican States, for large tracts of country to citizens of the United States, in the province of Texas, authorize the belief that but little value is placed upon the possession of the province by that Government. These grants seem to have been made without any sort of equivalent, judging according to our opinions of the value of land. They have been made to, and apparently in contemplation of being settled by, citizens from the United States. These emigrants will carry with them our principles of law, liberty, and religion; and however much it may be hoped they might be disposed to amalgamate with the ancient inhabitants of Mexico, so far as political freedom is concerned, it would be almost too much to expect that all collisions would be avoided on other subjects. Already some of these collisions have manifested themselves, and others, in the progress of time, may be anticipated with confidence. These collisions may insensibly enlist the sympathies and feeling of the two republics, and lead to misunderstandings.

The fixation of a line of boundary of the United States on the side of Mexico, should be such as to secure, not merely certainty and apparent safety in the respective limits of the two countries, but the consciousness of freedom from all danger of attack on either side, and the removal of all motives for such attack. That of the Sabine brings Mexico nearer our great Western commercial capital than is desirable; and although we now are, and for a long time may remain, perfectly satisfied with the justice and moderation of our neighbor, still it would be better for both parties that neither should feel that he is in any condition of exposure on the remote contingency of an alteration in existing friendly sentiments.

Impressed with these views, the President has thought the present might be an auspicious period for urging a negotiation, at Mexico, to settle the boundary between the territories of the two republics. The success of the negotiation will probably be promoted by throwing into it other motives than those which strictly belong to the subject itself. If we could obtain such a boundary as we desire, the Government of the United States might be disposed to pay a reasonable pecuniary consideration. The boundary which we prefer is that which, beginning at the mouth of the Rio del Norte in the sea, shall ascend that river to the mouth of the Rio Puerco, thence ascending this river to its source, and from its source, by a line due north, to strike the Arkansas, thence following the course of the southern bank of the Arkansas to its source, in latitude 42° north, and thence by that parallel of latitude to the South sea. The boundary thus described would, according to the United States Tanner's map, published in the United States, leave Santa Fé within the limits of Mexico and the whole of Red river or Rio Roxa and the Arkansas, as far up as it is probably navigable, within the limits assigned to the United States. If that boundary be unattainable, we would, as the next most desirable, agree to that of the Colorado, beginning at its mouth, in the bay of Bernardo, and ascending the river to its source, and thence by a line due north to the Arkansas, and thence, as above traced, to the South sea. This latter boundary would probably also give us the whole of the Red river, would throw us somewhat farther from Santa Fé, but it would strike Arkansas possibly at a navigable point. To obtain the first-described boundary, the President authorizes you to offer to the Government of Mexico a sum not exceeding one million of dollars. If you find it impracticable to procure that line, you are then authorized to offer, for the above line of the Colorado, the sum of five hundred thousand dollars. If either of the above offers should be accepted, you may stipulate for the payment of the sum of money, as you may happen to agree, within any period not less than three months after the exchange at the city of Washington of the ratifications of the treaty.

Should you be able to conclude a treaty, it will be necessary that it should contain a stipulation for the mutal right of navigation of the Rio del Norte or the Colorado, as the one or the other of them may be agreed on; and for the exercise of a common jurisdiction over the river itself. The treaty may also provide for the confirmation of all bona fide grants for lands made prior to *its date*, with the conditions of which there shall have been a compliance; and it may contain a provision similar to that in the Louisiana and Florida treaties, for the incorporation of the inhabitants into the Union, as soon as it can be done consistently with the principles of the Federal constitution, and for their enjoyment of their liberty, property, and religion.

There should also be a provision made for delivery of the country to the United States simultaneously, or as nearly so as practicable, with the payment of the consideration. We should be satisfied with a surrender of possession at that time, as far as the river line extends, (the Del Norte or the Colorado,) and to receive the residue as soon as the line to the Arkansas can be traced, which the treaty ought to provide should be done without unnecessary delay, and, at all events, before a future day to be specified.

JOEL R. POINSETT, Esq., &c.

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*Mr. Van Buren to Mr. Poinsett.*

DEPARTMENT OF STATE,
*Washington, August* 25, 1829.

SIR: It is the wish of the President that you should, without delay, open a negotiation with the Mexican Government for the purchase of so much of the province of Texas as is hereinafter described, or for such a part thereof as they can be induced to cede to us, if the same be conformable to either of the locations with which you are herewith furnished. The President is aware of the difficulties which may be interposed to the accomplishment of the object in view; but he confidently believes that the

views of the matter which it will be in your power to submit, and the pecuniary consideration which you will be authorized to propose, will enable you to effect it. He is induced, by a deep conviction of the real necessity of the proposed acquisition, not only as a guard for our Western frontier, and the protection of New Orleans, but also to secure forever to the inhabitants of the valley of the Mississippi, the undisputed and undisturbed possession of the navigation of that river, together with the belief that the present moment is particularly favorable for the purpose, to request your early and unremitting attention to the subject.

The territory of which a cession is desired by the United States is all that part of the province of Texas which lies east of a line beginning at the Gulf of Mexico, in the centre of the desert or Grand prairie, which lies west of the Rio Nueces, and is represented to be nearly two hundred miles in width, and to extend north to the mountains. The proposed line following the course of the centre of that desert or prairie, north, to the mountains, dividing the waters of the Rio Grande del Norte from those that run eastward to the Gulf, and until it strikes our present boundary at the 42d degree of north latitude. It is known that the line above described includes the Spanish settlements of La Bahia and San Antonia de Bexar, comprising all the Mexican inhabitants of the province, and this may furnish an objection to so extensive a cession. If, from this circumstance, the objection should be made, and you find the Mexican Government disposed to cede any portion of the territory in question, you are authorized to agree to any of the following lines, regarding those farthest west as preferable. The second proposed line commences on the western bank of the Rio de la Baca, where it discharges itself into Matagorda bay, and continuing up that river on the western bank thereof to the head of its most westerly branch; thence due north until the line shall strike the Rio Colorado; and thence up the Colorado river, on the western bank thereof, to the head of its principal stream; thence by the most direct course that will intersect our line at the 42d degree of north latitude, and include the head-waters of the Arkansas and Red rivers.

The third proposal may be a line to commence at the mouth of the Rio Colorado, where that river empties itself into Matagorda bay, and on the west bank thereof, to continue up that river to the head of its principal stream; and thence by a line drawn from the head of its principal stream, so as to intersect our present boundary line at the 42d degree of north latitude, including also the head-waters last mentioned.

The last proposition may be a line to commence on the Gulf of Mexico, at the mouth of the Rio Brassos de Dios, and on the westerly bank of that river, to pursue the course of that river up to the head of its most westerly branch, by the west bank thereof; and from the head of that branch of the river by such a course as will enable us to intersect our present line at the point already indicated.

In the event of adopting either of the propositions which establish the mouth of the La Baca river or the mouth of the Colorado river as the boundary, it must be stipulated for an extension of that line due south from the mouth of the river to the Gulf of Mexico.

The preceding boundaries are as definite as, with the materials in the Department, I have been able to make them. It is, nevertheless, probable that they may be greatly improved by a more accurate knowledge of the localities of the country. It is submitted to your discretion to make such alterations as shall appear to you to be clearly beneficial to the United States.

The boundary at present assumed by Mexico is deemed objectionable as well on the ground of its alleged uncertainty as for reasons of a different character. It is represented to us that, of the two streams which empty into the Sabine bay through the same channel, the one farthest west is the most considerable, and may, with reason be claimed to be the one referred to in the treaty. The distance between them, although only four miles where they enter the bay, at some places approaches to one hundred. That there is much ignorance of the localities of the province, and consequently confusion and error in the maps of it which are extant, is certain. Whether the representations which have been made upon the subject to this Government be founded in truth, or are the suggestions of interested individuals to subserve particular views, remains to be seen; but this is not the only nor the strongest objection. The Sabine is a very inconsiderable stream, and only navigable by small crafts. The bay is shallow, and neither it nor the river can ever become the seat of sufficient commerce to authorize the establishment of a custom-house or other public agency in its vicinity. Without such establishment, it is impossible to prevent that frontier from becoming the seat of an extensive system of smuggling, alike injurious to the true interests of both countries. The lands east of the Sabine are, for the most part, and to a great extent, so poor and so effectually cut off from commercial facilities, that they never can receive or sustain a dense or even respectable population. It is mainly to that cause that the objectionable character of its present inhabitants is to be attributed. The frontier, therefore, as long as it remains such, must continue to be what it has heretofore been, a receptacle for smugglers and outlaws. In addition to the disadvantage which must result to the United States from their dependance on such a population for the protection, in the first instance, of their border, the present state of things is well calculated to create incessant difficulties and broils with the citizens of the adjacent parts of Mexico, who, owing to the superiority of their soil, and the greater commercial advantages that belong to that side of the river, will naturally be more numerous and of a more respectable character. There may not be cause for much apprehension from this source at the present day, or for a a short time to come; but in so grave a matter as the arrangement and establishment of a boundary between independent nations, it becomes us to look into futurity. Thus viewing the matter, it is far from visionary to see in the present condition of things the germ of future discontents, which may grow into national complaints and heart-burnings, and perpetually foster and inflame a spirit of jealousy, to which our neighbors are already too much inclined.

We are not left altogether to conjecture and speculation as to the results which are to be expected from a contiguity of settlements under such unfavorable circumstances. The experience of the past affords the means of a safe estimate of the future. A spirit of enterprise, and not unfrequently of encroachment, has been exhibited by our citizens who inhabit that frontier, which has been productive of much uneasiness to the Mexican Government, and not without solicitude to this. Most of the grants that have been made in Texas are already in the hands of Americans and Europeans. Notwithstanding the cautious policy evinced by the Mexican Government in the designation of an extensive border territory, within which no grants should be made or settlements permitted, the improvements of the Americans on the Texas side commence from what is regarded as the boundary line, and are scattered over the prohibited territory. Not only has the interdict been thus disregarded by the adventurous spirits who have been attracted thither by the unsettled state of the Mexican Government, but that Government itself has (it is understood) been induced, by a conviction of the impossibility of causing it to be respected, to make grants within its limits. The want of confidence and reciprocal attachment between the Government and the present inhabitants of Texas, (not Spanish,) from whatever cause arising, is too notorious to require elucidation. It has, in the short space of five years, displayed itself in not less than four revolts, one of them

having, for its avowed object, the independence of the country. This Government embraced the earliest opportunity to satisfy that of Mexico that the resistance to her lawful authority thus made, was without aid or countenance, direct or indirect, from us. The ancient and well-settled policy of the United States in this respect is so well known, and has been so scrupulously adhered to, as to leave no room for apprehension that it can be ever or long misunderstood by other Powers. But still, the recurrence of scenes like these, whilst they furnish the causes of onerous expenses and perpetual inquietude on the part of Mexico, must, in the nature of things, have a tendency to excite, at least, temporary suspicions of our motives, and produce consequent heart-burnings, hostile to those cordial and friendly relations which should ever be preserved between neighboring States. It shall be the business, as it is the duty of this Government, so to conduct itself towards Mexico as to furnish no just grounds for complaint; but it would be much better for both to extinguish the sources of misapprehension by an arrangement founded upon principles of just reciprocity.

The situation of Texas, in relation to the numerous tribes of Indians within its borders and in its vicinity, also presents matter which deserves the serious consideration of the parent Government, and which may, it is believed, be successfully urged in favor of the cession.

The Camanche Indians, a numerous and daring tribe, have for years been a scourge to Texas; they have, more than once, swept every article of live stock from their owners, and killed the inhabitants of San Antonio on the commons in front of the public square. They are apprized, moreover, that Indians of a still more active, warlike, and daring character have recently settled in Texas, and that their number is daily increasing: these are the Shawnee, Cherokee, and Kickapoo tribes. They claim an equal right of occupancy in Texas with the Mexicans themselves, and are prepared, as they say, to maintain it by force. The ground of this claim is understood to be an invitation which, they say, was given to them by the Spanish authorities before the Revolution, to settle in the province to protect its inhabitants against their old enemy, the Camanches. Their number, at this time supposed to amount to five hundred warriors, is constantly increasing, and will necessarily increase much more upon the removal of the great body of the American Indians further west. They have selected spots for their settlements, and defy the public authorities to dispossess them. To protect the civilized inhabitants of Texas against Indian aggressions, as well as to keep in check the tumultuous spirit of portions of the inhabitants themselves, the Mexican Government deems it necessary to keep on foot a considerable military establishment in the province. This has been very expensive to the Government, and is, in the present depressed state of their finances, peculiarly burdensome, and will, probably, be of necessary continuance so long as the province belongs to Mexico. It has, however, so far as the Indians are concerned, proved quite inadequate to the object in view. It is said that the soldiers are insulted by the savages at the muzzles of their guns; and that, when complaints are made, the officers frankly acknowledge their inability to give redress. Similar aggressions were made on the American settlements soon after their first establishment, but the perpetrators were invariably followed and punished. The consequence has been that the Indians have, for several years, abandoned all active hostility against the Americans, whilst they have continued their aggressions upon the Mexicans. These practices, in addition to the positive injury they cause to the Mexicans, have the effect of aggravating existing jealousies in the minds of the Mexican inhabitants, by infusing a suspicion that the exemption which is attributable solely to that hardihood, courage, and enterprise which distinguishes our border-men, arises from a sinister understanding with the Indians. By yielding to the United States a portion of Texas, the Mexican Government will not only be relieved from the expense of its several garrisons in that country, but will secure a protection to their own territory, by interposing the United States between the Indians and their eastern frontier, which is their exposed point. The Camanches have hitherto confined their expeditions to the eastern side of the Rio del Norte, and no apprehension is felt on the west side of that river; for, in addition to the extent of desert to cross, before they can reach the western settlements, there is also a river of great width with a rapid current to overcome. There is another consideration, of much intrinsic weight, which may be urged, if reference to it would not, in your judgment, give cause of offence.

Being on the spot, and fully conversant with the feelings of those who constitute the Mexican Government, and with current events, your judgment as to the effect likely to be produced by what is said or proposed upon this subject, is most to be depended upon. The unsettled state of the Mexican Government is too well known to be disguised. The successive revolutions to which it has already been exposed attest the fact; and the dangers which threaten it from the intrigues, if not the open hostilities of Spain, are of a character which cannot be regarded with indifference. This consideration, with many others that might be stated, but which your knowledge of circumstances will readily suggest, expose her extended confederacy to the hazard of dismemberment. It will be readily admitted by her well-informed men that, in such an event, the first successful blow would, most probably, be struck in Texas. Although the separation of that territory for a limited period would not be of much importance, still the probable effect of the example could not fail to be highly detrimental. A state of things which renders so disastrous an event possible, not to say probable, deserves the serious consideration of that Government.

The line proposed as the one most desirable to us, would constitute a natural separation of the resources of the two nations. It is the centre of a country uninhabitable on the Gulf; and, on the mountains, so difficult of access, and so poor, as to furnish no inducement for a land intercourse; and, of course, no theatre for those differences that are almost inseparable from a neighborhood of commercial interests. It corresponds with the habitual feelings of the people of Mexico, and with the avowed policy of the Mexican Government, by causing a wide separation and difficulties of intercourse between the inhabitants of the two countries, and by preventing those excitements and bickerings invariably produced by the contiguous operation of conflicting laws, habits, and interests. The commercial establishment which would be forthwith made at the Nueces, and in its vicinity, would enable us to preserve, in a great degree, the morals of the inhabitants of both sides, by the prevention of smuggling; and the Mexican Government, by thus respecting the real interests of the United States, without actual prejudice to its own, would afford the strongest evidence of that spirit of friendship by which the United States have always been influenced towards it, and which should ever characterize the conduct of neighboring republics.

The President does not desire the proposed cession without rendering a just and fair equivalent for it. He, therefore, authorizes you to offer to the Mexican Government for a cession according to the first-mentioned boundary, a sum not exceeding four millions of dollars; and so strong are his convictions of its great value to the United States, that he will not object, if you should find it indispensably necessary, to go as high as five millions. You will, of course, consult the interests of the United States, by obtaining the cession (if it can be obtained at all) upon terms as favorable and for a price as low as practicable, regard-

ing the sum above stated only as the maximum amount to which you are authorized to go. Should you find the Government of Mexico unwilling to part with as large a portion of their territory as would be included in the first-mentioned bounds, but disposed to cede a less quantity, you will, in such case, endeavor to obtain a cession agreeable to some one of the boundaries above described, urging them in the order of preference before stated, and stipulate to pay therefor a sum which, estimating five millions as a fair compensation for the largest extent proposed, would be a proportionate equivalent for that which is ceded.

A credit of three or four years, by annual and equal instalments, upon an interest of six per centum, would be preferred; but, if necessary, you may stipulate for the payment of the money within four months, or some other reasonable time after the exchange of the final ratifications of the treaty, and the delivery of the possession of the ceded territory.

The ratification must be required to take place on the part of the Mexican Government before the treaty is submitted to the Senate of the United States for its ratification on our part.

I have already stated that the present moment is regarded by us as an auspicious one to secure the cession; and will now add, that there does not appear to be any reasonable objection to its being embraced, on the score of delicacy, or from an apprehension that, in doing so, we would give offence to the Government of Mexico. Nothing would be more adverse to the feelings of the President than to give that Government reason to believe that he is capable of taking advantage of their necessities, to obtain from them any portion of the Mexican territory, the cession of which would impair the true interests or commit the honor of that country.

The comparatively small value of the territory in question to Mexico; its remote and disconnected situation; the unsettled condition of her affairs; the depressed and languishing state of her finances; and the still, and at this moment particularly threatening attitude of Spain, all combine to point out and recommend to Mexico the policy of parting with a portion of her territory of very limited and contingent benefit, to supply herself with the means of defending the residue with the better prospect of success, and with less onerous burdens to her citizens. It is for the Federal Government of Mexico, if they approve of the policy of doing so, to judge of their constitutional power to make the cession. It is believed that no doubt could exist on that point, if the consent of the State of Coahuila were obtained; and if the views we take of the true interests of the republic of Mexico are not founded in error, it is supposed that such consent would not be withheld.

Should you be able to conclude a treaty, and either of the rivers herein mentioned be agreed upon as the boundary, it will be necessary that it should contain a stipulation for the mutual right of navigation, and for that of common jurisdiction over the river itself. The treaty may also provide for the confirmation of all bona fide grants of land made prior to its date. Your situation in Congress must have made you sensible of the embarrassments and difficulties under which the United States have labored from frequent applications for the confirmation of titles to lands in the territories heretofore ceded to them, in cases in which the original conditions of the grants had not been complied with. It is therefore desirable that the stipulation, on the part of the United States, to confirm grants previously made, should be limited, in terms more explicit than heretofore used, to cases in which the conditions of the grants have been fully complied with, whenever the time for such compliance shall have expired. The treaty may also contain a provision similar to that in the Louisiana and Florida treaties, for the incorporation of the inhabitants into the Union, as soon as it can be done consistently with the principles of the federal constitution, and for the enjoyment of their liberty, property, and religion. It will, of course, contain a stipulation for the delivery of the country to the United States simultaneously, or as nearly so as may be practicable, with the payment of the consideration

This despatch will be delivered to you by Colonel Anthony Butler, of the State of Mississippi. Colonel Butler has made himself well acquainted, by actual examination, with the territory in question, its streams and localities. In the belief that he deserves your confidence, and that he may be useful to you in the negotiation by supplying you with facts which might not otherwise be within your reach, he has been instructed to observe your directions in regard to his stay at Mexico, and his agency in the matter whilst there.

A full power, authorizing you to negotiate and conclude a treaty, as stated above, is herewith transmitted to you.

I have the honor to be, with great respect, your obedient servant,

M. VAN BUREN.

JOEL R. POINSETT, Esq.
*Envoy Extraordinary and Minister Plenipotentiary U. S. to Mexico.*

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*Mr. Livingston to Mr. Butler.—Extract*

DEPARTMENT OF STATE,
*Washington, March* 20, 1833.

The situation of affairs in the State of Texas y Coahuila makes it important that your negotiation on that subject should be brought to a speedy conclusion. It is at least doubtful whether, in a few weeks, any stipulation could be carried into effect. No new instructions on the subject of the proposed cession being deemed necessary, the President has directed me to refer you to those already given on that subject.

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*Mr. McLane to Mr. Butler.*

DEPARTMENT OF STATE,
*Washington, January* 13, 1834.

SIR: You are aware that the period fixed by the third article of the treaty of limits with Mexico, and the article additional thereto, for the meeting of the commissioners and surveyors provided for by that treaty, expired on the 2d of April last, and that in consequence of the omission of the Mexican Government timely to appoint the commissioner and surveyor on their part, no such meeting took place. The appointment of the commissioner on the part of the United States was made on the 30th May, 1832, and publicly announced in the Globe newspaper at Washington, on the 19th of July, 1832, and notice was given to Mr. Montoya, the Mexican chargé d'affaires, on the 20th of the same month, that this Government was prepared to proceed conjointly with that of Mexico to the designation of the boundary line; and though Mr. Montoya was requested, at the same time, to state whether any arrangement had been made on the part of his Government for that object, and, if not, to request the immediate attention of his Government to the subject, this Department remained wholly without information as to the appointment of a commissioner and surveyor on the part of Mexico, until the 4th ultimo, when I was informed by Mr. Castillo, the Mexican chargé d'affaires, under date of the 2d of the same month, that the Mexican commissioner and surveyor had been appointed. I learn verbally from Mr. Castillo that he has not been advised as to the time of their appointment; but by a report made by the Minister of Foreign Affairs to the Congress of Mexico on the 20th of May last, I perceive that no such appointment had then been made; on the contrary, the minister speaks of the commission as yet to be created by each Government.

Under these circumstances, the treaty of limits cannot be carried into full effect without a new convention between the two Governments providing for that object.

The President directs, therefore, that you will conclude a new convention with the Mexican Government, consisting of a single article, stipulating for an extension of the time prescribed by the third article of the treaty for the meeting of the commissioners and surveyors, and authorizing them to meet for the performance of their duties at any time within one year after the exchange of the ratifications of the new convention. And to enable you to execute these instructions, the necessary powers are herewith transmitted to you. The new convention which you are now instructed to conclude must be ratified by the Mexican Government previously to submitting it for the ratification by the United States, and provison must also be made for the exchange of the ratifications at Washington within one month after it shall be ratified by the United States. It is the wish of the President, therefore, that as soon as the treaty shall be ratified by the Mexican Government, you will ask for your audience of leave, and return home, bringing the ratified treaty with you.

The previous ratification of the new treaty by the Mexican Government is a necessary precaution against impediments similar to those which have heretofore baffled the efforts of the President finally to close this subject; and when it is considered that these have arisen chiefly, if not entirely, from the neglect of the Mexican Government, she cannot with any propriety decline complying with the terms now presented.

In your audience of leave, you will state to the Mexican authorities that the President has been induced by imperative considerations, connected with the public service, to require your presence in the United States, and that it is his intention as early as practicable to renew our diplomatic relations with the Government of Mexico.

I am, sir, respectfully, your obedient servant,

LOUIS McLANE.

Anthony Butler, Esq.
*Chargé d'Affaires of the United States, Mexico.*

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*Mr. Forsyth to Mr. Butler.—Extract.*

Department of State,
*Washington, July* 2, 1835.

Sir: I have presented for the consideration of the President your letter of the 17th ultimo, relative to the negotiation with Mexico for Texas. By his direction, I have the honor to inform you that no sufficient reason appears upon it for any changes in the instructions that have been heretofore given to you on that subject. With an anxious desire to secure the very desirable alteration in our boundary with Mexico, the President is resolved that no means of even an equivocal character shall be used to accomplish it. It is due to the occasion to say to you also, that on the examination of your communications on this subject, connected with your verbal explanations, no confidence is felt that your negotiation is likely to be successful; but as you entertain a confident belief that you can succeed in a very short time, it is deemed proper to give you the opportunity of benefiting your country by your exertions, and of doing honor to yourself. The President, however, instructs me to say that the negotiation must be brought to a close at once, so that the result may be known by the meeting of Congress, as provision must be made, in case it is successful, for carrying it into execution. You will be expected in the United States as soon as it is closed, to report the result, whatever it may be, by December.

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I have the honor to be, &c.

JOHN FORSYTH.

Anthony Butler, Esq. *Chargé d'Affaires, &c.*

*Mr. Forsyth to Mr. Butler.—Extract.*

Department of State,
*Washington, August* 6, 1835.

Sir: It having been represented to the President that the port of St. Francisco, on the western coast of the United Mexican States, would be a most desirable place of resort for our numerous vessels engaged in the whaling business in the Pacific, far preferable to any to which they now have access, he has directed that an addition should be made to your instructions relative to the negotiation for Texas. The main object is to secure within our limits the whole bay of St. Francisco. If you can induce the Mexican Government to agree to any line which will effect this, you are authorized to offer a sum of in addition to the sum you were directed to offer for the first line mentioned in your original instructions upon the subject. You are to endeavor first to obtain the following boundary, which is considered the most eligible:

Beginning at the Gulf of Mexico, proceed along the eastern bank of the Rio Bravo del Norte to the 37th parallel of latitude, and thence along that parallel to the Pacific. This line may probably be supposed to approach too near, if not to include, the Mexican settlement of Monterey. If this objection should be urged, you can obviate it by explaining that we have no desire to interfere with the actual settlements of Mexico on that coast, and you may agree to any provision effecting the great object of securing the bay of St. Francisco, and excluding Monterey andthe territory in its immediate neighborhood.

As it is not deemed essential to obtain the Rio Bravo del Norte for our western boundary, if any objection should be made to it, you may next propose the western line specified in your original instructions, but stopping at the 37th parallel, or at any other line that would include the bay of St. Francisco, and proceeding along such line to the Pacific. If the Rio Bravo del Norte should be agreed upon as the western line, you may stipulate for the free navigation of that river to both parties.

If, however, you cannot obtain a southern line which will include within our limits the whole bay of St. Francisco, you will proceed under your original instructions, and bring the negotiation to a close, as directed in the letter from the Department of the 2d July, 1835, No. 94.

I have the honor to be, sir, your obedient servant,

JOHN FORSYTH.

Anthony Butler, Esq.,
*Chargé d'Affaires of the United States, Mexico.*

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*Mr. Poinsett to Mr. Clay.—Extracts.*

Mexico, *July* 18, 1825.

Sir: I waited on the Secretary of State, by appointment, on the morning of the 12th instant, in order to discuss the manner of conducting the negotiations for the treaties of commerce and of limits between the two nations. It was agreed to treat the two subjects separately.

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With respect to the treaty of limits, I suggested that, although the Government of the United States held itself bound to carry into effect the treaty of limits concluded with the King of Spain 22d of February, 1819, still it would appear more becoming the independent character of this Government to lay aside that treaty altogether, and to endeavor to establish a boundary which would be more easily defined, and which might be mutually more advantageous. The Secretary expressed himself much gratified by such a suggestion, and proposed that the two Governments should forthwith appoint commissioners to make a reconnoissance of the country bordering on the line formerly settled with Spain, so as to obtain such information in regard to that portion of our respective territories as would enable us to

act understandingly on the subject. I objected to this proposal the limited powers of the President of the United States, and that such an appointment could not well be made until the next meeting of Congress. He replied, that his Government would be very averse permanently to fix the limits between the two nations on the very slender information they at present possessed of that frontier country. After some further conversation on the subject, it was agreed that he should address me a note, stating the views of this Government in relation to the proposed convention of limits. This has not yet been received.

I have the honor to be, with great respect, sir, your obedient servant, J. R. POINSETT.

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*Mr. Poinsett to Mr. Clay.—Extract.*

Legation of the United States of America,
*Mexico, July* 27, 1825.

Sir: I have the honor to enclose, herewith, a translation of the note from the Secretary of State of this Government, on the subject of the road from the State of Missouri to Santa Fé of New Mexico; and respecting the treaties of commerce and limits between the two nations, to which I alluded in my last, marked A; together with my reply, marked B.

I find that there exists great apprehension in the minds of the people of this country that the Government of the United States contemplate renewing their claim to the territory north of the Rio Bravo del Norte; and it may be of some importance to consider their great sensibility on this subject, when the line of country to be examined, with a view to the limits between the two nations, shall be determined on, should the President think proper to accede to the proposals contained in the accompanying note.

A.

*Mr. Alaman to Mr. Poinsett.*

Mexico, *July* 20, 1825.

Sir: I had postponed answering the note which your excellency addressed to me on the 17th of last month, respecting the measures adopted by the Government of the United States of America for opening a road from the western limit of the State of Missouri to the frontier of these States, in the direction of Santa Fé in New Mexico, and its continuation beyond those limits, in concert with this Government, in the hope that I might be able, at the same time, to address your excellency upon a subject of more extensive importance, which embraces, as your excellency has observed, this of which we are treating. On your presentation to the most excellent señor President of this republic, your excellency signified that you were authorized by your Government to conclude treaties of commerce and limits with this; and certainly the opening of this new road supposes the existence of these treaties, by virtue of which the limits which divide this republic from that will be settled, as well as the regulations which are to govern the commercial relations of both nations; nor will it be easy to separate them, without incurring inconveniences very difficult to avoid. So that the President believes it to be more plain and easy to commence by concluding the treaties which you are authorized to make, leaving the business of marking out the road to be adjusted afterwards, as dependent upon them, and which this Government is disposed to concur in, as it is convinced that this new channel of communication between the two nations, which is about to be opened, will be equally useful and beneficial to both.

In the actual state of things, the final conclusion of a treaty which should embrace the two points of commerce and of limits, could not be effected with that promptness which this Government wishes. The marking out of limits, by its nature, and the particular difficulties which in our case attend such a work, both by want of the topographical information sufficiently exact to inspire any confidence, and from the series of trigonometrical observations which it would be necessary to make on a vast extent of unexplored country, is subject to delays that, however great the zeal with which both Governments might forward the work, would consume a great deal of time; when, on the other hand, the two subjects might be separated without any prejudice to the national interests. We might then, if your excellency thought proper, (and this is the opinion of the President,) proceed immediately to negotiate the treaty of commerce, leaving on one side the point of limits; and that we might negotiate on this subject, the two Governments might name their commissioners, who, on examining together the country within a given latitude, from one sea to the other, might present exact information upon which the limits might be established as is desired. This manner of proceeding throws no obstacle in the prosecution of the end proposed; for, whether the bases for marking the limits are designated previously in the treaty to be then afterwards defined with precision by both commissioners of both Governments, or whether we proceed in the manner I have the honor to propose to your excellency, the result will always be the same, with the only difference, that by the method indicated we might proceed with more certainty, and we should possess more exact information to go upon. The commissioners which this Government might nominate for this object, might likewise receive instructions respecting the demarcation of this road, so that both these points might be taken into consideration and satisfactorily settled. Your excellency will be so good as to transmit to your Government what I have the honor to propose to you by order of the President, assuring it at the same time of the sincerity of this Government, and of the desire with which it is animated to establish, in a solid manner, and to strengthen more and more the relations of friendship between two people so intimately united by the similarity of their institutions and their interests.

I have the honor to be, with the highest considerations, &c., LUCAS ALAMAN.

B.

*Mr. Poinsett to Mr. Alaman.*

Legation of the U. S. A.
*Mexico, July* 27, 1825.

Sir: I have the honor to acknowledge the receipt of your excellency's note of the 20th instant, in which your excellency proposes to postpone the business of marking out the road from the frontiers of the United States to Santa Fé of New Mexico, until after the conclusion of the treaties of commerce and of limits between the two republics, or until after the appointment of commissioners to explore that tract of country which will include the frontiers of the two States.

Although very unwilling to urge this Government to adopt a measure which it apprehends may be attended with unavoidable inconveniences, I cannot but regret this delay, believing, as I do, that it will prove injurious to a commerce just rising into existence between the Western States of North America and New Mexico. The commissioners for this object have been appointed by the Government of the United States, and are, probably, by this time, on the spot, waiting the result of an arrangement which, from the mutual benefits it is calculated to confer on both nations, the President of the United States presumed would meet with no obstacle or delay on the part of the Government of Mexico; especially as it was believed that an arrangement might have been made so as effectually to prevent the occurrence of those inconveniences which this Government appears to apprehend. The object of mark-

ing out this road at this time, is to enable the caravans to find their way through the unexplored and trackless waste that lies between the frontier of the State of Missouri and Santa Fé of New Mexico. To postpone this business until the appointment of commissioners to survey that part of the country, with a view to the final adjustment of our limits, will embarrass that trade very much; and I still venture to hope that his excellency the President of these States will instruct your excellency to enter into some arrangement with me by which this desirable end may be sooner accomplished.

Aware as I am that the Government of the United States of America is equally anxious with this to conclude, as early as possible, a treaty which shall settle on a permanent basis the future commercial relations of the two countries, I readily accede to your excellency's proposal to separate the two subjects of commerce and limits, and request you will communicate to his excellency the President my readiness to proceed immediately to negotiate the treaty of commerce with such person or persons as he may think proper to appoint.

With respect to your excellency's proposal, that the two Governments should forthwith appoint commissioners, who, by a careful examination of the country from sea to sea, within a given latitude, might furnish exact information upon which the limits could finally be adjusted, I see only one serious objection to it, and that is the great delay such a course is likely to occasion. The President of the United States, if he accedes to this proposal on the part of this Government, cannot appoint such commissioners until after the meeting of Congress in December next, nor could they be on the ground before the spring of 1826: their operations could not be concluded in less than one year, leaving the boundary undefined by treaty for the term of two years.

Agreeably to the wishes of his excellency the President of these United States, I shall transmit to my Government his proposals on this subject; and, in the mean time, pray your excellency to accept the assurances of respect and consideration with which I have the honor to be

Your excellency's most obedient and humble servant,

J. R. POINSETT.

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*Mr. Alaman to Mr. Poinsett.—Extract.*

MEXICO, *August* 10, 1825.

The President has seen with satisfaction the disposition of your excellency to separate the two negotiations of commerce and of limits, forming a particular treaty for each of these objects, and has, in consequence, thought proper to honor with his commission, for the purpose of adjusting the first, the most excellent Senor Don José Ignacio Esteva, Secretary of State for the Department of the Treasury, and myself, who will be ready to enter into conference with your excellency as soon as you think proper to advise us that you are so disposed. With regard to the second point, the difficulties and delays which occur to your excellency are inevitable in either case; for the limits cannot be definitively settled until the reconnoissance of the country has been made; and all that can be done to shorten the time, is to facilitate this examination in the manner I have proposed to your excellency, and which you offer to present to your Government.

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*Mr Poinsett to Mr. Clay.—Extract.*

LEGATION OF THE UNITED STATES,
*Mexico, September* 20, 1825.

SIR: I had an interview this morning with the Secretary of State, at his request, on the subject of the boundary line between the two republics. He began by saying that he wished to ascertain the ancient boundaries between the United States and the Spanish possessions, as defined by the treaty of 1795, and asked me to trace them for him in Melish's map. I did so, but observed, at the same time, that that treaty was concluded before the cession of Louisiana. I then inquired his object in wishing to ascertain the former boundaries. He replied, that he thought it would be advisable in the treaty we were about concluding, to specify the ancient boundary until the new line was agreed upon. I replied, he must be aware that, previous to the treaty with Spain concluded at Washington in 1819, the United States of America claimed to the Rio Bravo del Norte, and Spain to the Mississippi; and that treaty was a compromise of various disputed claims made by the contracting parties; that it was binding on the United Mexican States, having been concluded before their emancipation from Spain, and has since been acknowledged by their accredited agents in the United States. There had been ample time to have carried that treaty into full effect, but that the Government of the United States had been withheld from doing so only by motives of delicacy towards Mexico. That the same motives had induced me to propose an entire new treaty, which should not allude to the one formerly concluded with Spain; but that in so doing I did not intend to yield one square inch of land which was included within the limits of the United States according to the boundary line at that time agreed upon. That in my opinion a more advantageous boundary might be drawn between the two countries, but that such a line was not to be sought for east of the Sabine or north of the Red river or the Arkansas; and that, finally, no article such as he proposed could be inserted in the treaty, without my renewing in it the claim of the United States to the country north and east of the Rio Bravo del Norte.

On my return home I sent him a copy of the note from the Mexican chargé d'affaires to the Secretary of State at Washington, together with the treaty between the United States and Spain concluded at Washington in 1819.

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*Mr. Poinsett to Mr. Clay.—Extract.*

LEGATION OF THE UNITED STATES,
*Mexico, March* 18, 1825.

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By the colonization law passed in August, 1824, the General Government reserved twenty leagues of land from the frontiers of neighboring nations, and ten leagues from the sea shore, which cannot be granted by the States except with the previous consent of the Executive. Having learnt that the President had given his consent to a grant of land made by the State of Coahuila and Texas, of a tract situated within that limit, on the Red river, I called this morning at the office of the Secretary of State, and told Espinosa that I should not consider any grant as valid that was made while the negotiations were pending, in the event of that portion of country being included by the treaty within the limits of the United States. He admitted that the objection was proper, and engaged to write to the State of Texas on the subject.

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*Mr. Poinsett to Mr. Clay.—Extract.*

LEGATION OF THE UNITED STATES,
*Mexico, July* 12, 1826.

This Government has appointed General Teran to examine the country near our respective frontiers, and to obtain such information as will enable them to treat upon that subject understandingly. This is the gentleman formerly nominated by the Executive to proceed to London, and whose appointment was not confirmed by the Senate. He tells me that he will leave the capital in all September. I suppose his departure will not take place before late in October.

*Mr. Poinsett to Mr. Clay.*

LEGATION OF THE UNITED STATES,
*Mexico, April* 10, 1827.

SIR: I have the honor to transmit herewith a translation of the report of the committee of the House of Deputies on the treaty concluded here on the 10th of July last.*

This report has been discussed in secret session, and sent back to the committee with instructions. The House disapproved of some of the extraordinary principles laid down by the committee in their report, and moreover desired to have inserted in the treaty an additional article, declaring the treaty of limits, concluded at Washington, between the United States of America and Spain, to be valid, and binding upon the high contracting parties. The argument for this declaration, which was advanced in the House and supported by a large majority, is the propriety of considering this republic as having inherited all the rights of Spain. The principle has hitherto been urged *effectively* in all the disputes between the civil and ecclesiastical authorities; and at this particular moment it is of the utmost importance to this Government to establish it beyond all controversy.

The committee has not yet reported.

The British treaty has been ratified, having passed both Houses without the slightest objection.

I have the honor to be, sir, with great respect, your obedient servant, J. R. POINSETT.

Hon. H. CLAY,
*Secretary of State, Washington.*

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*Mr. Poinsett to Mr. Clay.—Extract.*

LEGATION OF THE UNITED STATES,
*Mexico, October* 6, 1827.

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The only act passed by the Congress, since the commencement of their session, of any importance, is the appropriation of fifteen thousand dollars towards defraying the expenses of the commissioner, General Teran, appointed by this Government to examine and report upon the country which lies near and upon the boundary between the United States and Mexico, agreeably to the views of this Government, as expressed in their communication of the —— of August, 1825. The commission has not set out on this expedition for want of funds, Congress having appropriated what the Treasury does not at this moment contain. In private conversations with the President and Secretaries, I have sought to convince them of the uselessness of this expedition until the treaty of limits is definitively settled. They say, in reply, that the public is so anxious to have that question settled, that they think it politic so to act at present, and assure me of their earnest desire to adjust that delicate point as soon as possible. The President appointed Don José Ignacio Esteva and Don Juan José Espinosa plenipotentiaries to treat with me; but having understood that Mr. Camacho is hourly expected from London, he prefers waiting the arrival of that gentleman, in order that the former plenipotentiaries may continue the negotiations.

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*Mr. Poinsett to Mr. Clay.—Extract.*

LEGATION OF THE UNITED STATES,
*Mexico, January* 8, 1828.

SIR: The negotiations were renewed this day, and, from the disposition manifested by the Mexican plenipotentiaries, in this first conference, I have every expectation of concluding the treaty of friendship, navigation, and commerce, favorably and promptly.

The Mexican Chamber of Deputies passed a resolution, when the treaty was formerly before them, on which, I understand, they will insist. It is in these words, viz: "This Chamber will not take into consideration the treaty which the Government has concluded with that of the United States of America, until an article shall be inserted in it recognising the validity of that which was celebrated by the cabinet of Madrid, in the year 1819, with the Government of Washington, respecting the limits of the territories of the two contracting parties."

The plenipotentiaries, in reply to all my observations on the subject, and to my proposals to alter the limits, insisted that Mexico had a right to consider that treaty binding upon the United States, as being invested with all the rights of Spain, and bound by all the obligations of the mother country. They instanced the cession made by Spain to Great Britain of certain rights in the Bay of Honduras, which, however inconvenient to the Mexican Government, it had nevertheless felt itself bound to ratify; and, in short, declared that if I did not consent to comply with the resolution of the Chamber of Deputies, it would be useless to discuss the other articles of the treaty, as it was certain that Congress would not ratify any treaty which did not contain such a provision.

I withdrew my opposition, but observed that, as the treaty of navigation and commerce was for a limited period, and that of limits perpetual, it would be better to make them distinct conventions; to which proposal the Mexican plenipotentiaries consented.

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*Mr. Poinsett to Mr. Clay.—Extract.*

LEGATION OF THE UNITED STATES,
*Mexico, February* 7, 1828.

SIR: I transmit herewith copies of the treaty of limits and of the protocols of the conferences held with the Mexican plenipotentiaries upon that subject.

I did not insist upon introducing the article respecting the obligation of the parties to restrain the Indian tribes residing within their respective territories from committing hostilities against the people, Indians, or territories of the other, because it is inserted in the treaty of amity, commerce, and navigation, which I am about concluding.

You will perceive, by the protocols of our conferences, that I did not oppose any obstacles to the wishes of this Government to adopt the limits settled by the treaty of Washington.

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*Protocol of the first conference between the plenipotentiary of the United States of America and the plenipotentiaries of the United Mexican States, in order to conclude a treaty of limits, held on the 8th of January,* 1828.

Present, J. R. Poinsett, plenipotentiary of the United States of America, and their excellencies, Don Sebastian Camacho and Don José Ignacio Esteva, plenipotentiaries of the United Mexican States.

The plenipotentiaries of Mexico read the resolution of the Chamber of Deputies; which is in the following words, viz:

"This House will not take into consideration the treaty which the Government has concluded with the United States of America so long as it does not contain an article which shall renew the existence of the treaty celebrated by the cabinet of Madrid in the year 1819, with that of Washington, respecting the territorial limits of the two contracting parties."

This resolution was passed on the 2d of April, 1827, and the treaty was accordingly sent back to the President of the United Mexican States.

The plenipotentiaries observed that this resolution rendered it imperative upon the Executive first to settle this

* This treaty was not approved by the Senate of the United States, nor was it acted upon by the Mexican Congress in season for the ratifications to have been exchanged within the stipulated time.

important question; and, from the tenor of the note addressed to them by the plenipotentiary of the United States, they presumed he could have no objection to regard the above-mentioned treaty as in full force, and binding upon the United States.

The plenipotentiary of the United States replied that, although the limits as settled by the treaty of Washington were liable to some objections, and might be altered advantageously for both the contracting parties, as he had before frequently explained, still, if the Government of Mexico insisted upon the execution of the third and fourth articles of that treaty, he could not object to it.

The Mexican plenipotentiaries said that their Government had invariably acted upon the principle that Mexico was bound to respect the treaties of the Spanish monarchy prior to the declaration of her independence; as for instance Great Britain had acquired rights from Spain within the territory of Mexico, (in the bay of Honduras,) which, however inconvenient to this Government, it was proposed not to disturb, and had acknowledged the existence of those rights in the recent treaty with that Power.

The plenipotentiary of the United States replied that he did not intend to dispute the validity of a treaty concluded between the United States and Spain at a period when Mexico formed a component part of the Spanish monarchy; and that it was evident, from former conferences, and from his note on that subject, that he had never controverted this principle. Any alteration of the treaty of Washington must depend upon the mutual consent of the present contracting parties; but as the Executive and the Chamber of Deputies of Mexico appeared determined to insist upon carrying the third and fourth articles of that treaty into effect, he should no longer object to it.

It was then agreed that the treaty of limits should be made separately, because this was a permanent convention, whereas that of amity, navigation, and commerce, was intended to exist only for a limited period.

J. R. POINSETT.
S. COMACHO.
J. Y. ESTEVA.

*Protocol of the second conference between the plenipotentiary of the United States of America and the plenipotentiaries of the United Mexican States, held on the 10th of January, 1828.*

Present, the plenipotentiaries.

The following preamble and article were drawn up and agreed to, viz:

"The limits of the United States of America with the bordering territories of Mexico having been fixed and designated by a solemn treaty concluded and signed at Washington on the 22d day of February, in the year of our Lord one thousand eight hundred and nineteen, between the respective plenipotentiaries of the Government of the United States of America on the one part, and of that of Spain on the other: and whereas the said treaty having been sanctioned at a period when Mexico constituted a part of the Spanish monarchy, it is deemed necessary now to confirm the validity of the aforesaid treaty of limits, regarding it as still in force and binding between the United States of America and the United Mexican States.

"Art. 1. The dividing limit of the respective bordering territories of the United States of America and of the United Mexican States, being the same as were agreed and fixed upon by the above-mentioned treaty of Washington, concluded and signed on the 22d of February, in the year 1819, the two high contracting parties will proceed forthwith to carry into full effect the third and fourth articles of said treaty, which are herein recited, as follows"

J. R. POINSETT.
S. COMACHO.
J. Y. ESTEVA.

*Mr. Poinsett to Mr. Clay—Extract.*

LEGATION OF THE UNITED STATES,
*Mexico, April 24, 1828.*

SIR: The treaty of limits has been ratified by the House of Representatives, and is now before the Senate. You will perceive that it will be impossible to send the ratification of this Government to Washington in time for the exchange of ratifications to take place within the term designated by the treaty. This delay has originated from the extreme indolence of the person who formerly filled the office of Secretary of State of this republic. He kept this treaty in his office upwards of two months without submitting it to Congress, although I repeatedly represented to him the prejudice that would result from this delay, especially to the Mexican Government, which had already despatched its commissioner to the frontiers.

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*Mr. Poinsett to Mr. Clay.*

LEGATION OF THE UNITED STATES,
*Mexico, April 26, 1828.*

SIR: The treaty of limits between the United States and Mexico, concluded and signed on the 12th of January last, was yesterday ratified by the Mexican Senate. The period fixed by the treaty for the exchange of ratifications being four months from the date of its signature, I shall not transmit the ratification of this Government by express. It could not possibly arrive at Washington in time. I regret the delay which has occured here, because I am aware it will render it necessary to submit the treaty a second time to the Senate. This Congress despatched it with tolerable promptness. The delay, as I before observed, was occasioned by the dilatory habits of the former Secretary of State.

I have the honor to be, very respectfully, sir, your obedient servant, J. R. POINSETT.

Hon. HENRY CLAY,
*Secretary of State, Washington.*

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*Mr. Poinsett to the Secretary of State.—Extract.*

LEGATION OF THE UNITED STATES,
*Mexico, March 10, 1829.*

In combination with the Secretary of Foreign Relations, Don Lucas Alaman, the President had formed a plan to negotiate a new treaty of boundaries, by which we were to be reduced to the margin of the Mississippi; for they believed that, by the treaty of Washington, we had unjustly deprived Spain of a large portion of her territory. They were exceedingly surprised, therefore, when no objection was made by this legation to renew the negotiations on that subject altogether, with a declaration that, in that event, the United States would assume the line of the Rio Bravo del Norte as the boundary; as the reasons which had induced them to cede to Spain their rights to that territory, did not apply to this country. They were assured that we regarded the treaty of limits as binding upon both parties, because it had been concluded when Mexico formed a part of the dominions of Spain, but that no objection would be made on our part to annul it. The Congress, more wise, compelled the Executive subsequently to confirm that treaty.

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*Mr. Poinsett to Mr. Van Buren.—Extract.*

LEGATION OF THE UNITED STATES,
*Mexico, July 22, 1829.*

They at first proposed that both parties should send commissioners to examine the country situated at and near the boundary fixed by the treaty of Washington from sea to

sea, for they had heard of a neutral territory which, by the superior acuteness of Mr. Adams, had been wrested from Spain, and other absurd stories, which an actual examination would elucidate.

Next they proposed to me to fix provisionally the boundary line in the treaty of commerce, then in progress of negotiation, where it was supposed to have existed prior to the treaty of Washington. They desisted from this proposal only upon my insisting, in such a case, of inserting the claim of the United States to the territory north of the Rio Bravo del Norte. For further particulars on this subject, I refer you to my despatch dated the 20th of September, 1825, and marked No. 19.

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*Mr. Butler to Mr. Van Buren.—Extract.*

MEXICO, *May* 19, 1830.

Upon the subject of our treaties, I can barely say, that commissioners have at last been determined upon and announced to me on the part of this Government. They are the Secretary of State, Mr. Alaman, and Mr. Manjino, Secretary of the Treasury. There is little doubt but that the negotiations would have commenced some weeks since, for every thing was in good train for the purpose, and Mr. Alaman had suggested to me a belief that the acting President would appoint him to meet me. This was conclusive as to his nomination, and he was the gentleman of all others I should have selected.

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*The Mexican plenipotentiaries to Mr. Butler.*

[Translation.]

PALACE OF THE FEDERAL GOVERNMENT,
*Mexico, May* 21, 1830.

The undersigned, Secretaries of State, of Domestic and Foreign Affairs, and of the Treasury, have the honor of addressing your excellency, and to communicate that they are fully authorized by the most excellent the Vice President, exercising the executive power, to commence negotiating on the subject of the treaties pending between the United Mexican States and your Government.

Therefore, the undersigned request your excellency will please to appoint a day for the first meeting on the aforesaid subject; availing themselves of this opportunity for offering to you the assurance of their distinguished consideration, &c.

LUCAS ALAMAN,
RAFAEL MANJINO.

To Señor Don ANTHONY BUTLER,
*Chargé d'affaires.*

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*Mr. Butler to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,
*July* 25, 1832.

The undersigned, chargé d'affaires of the United States, has the honor of transmitting herewith a copy of the treaty of limits negotiated by the plenipotentiaries United States of America and the United Mexican States, together with the proclamation of the President of the United States declaring the exchange of the ratification thereof. The treaty having now become the supreme law of the land, the President of the United States of America is prepared to execute all the provisions thereof, and for this purpose will, with all convenient despatch, appoint commissioners on our part to ascertain and mark the line of boundary between the two nations, in conformity with the stipulations contained in the treaty referred to. In making this communication it becomes my duty to say that apprehensions are entertained on the part of my Government that the line, as designated in the treaty recently ratified, will produce inconveniences and perhaps create difficulties that it will be the interest no less than the desire of the Government of the United States to obviate; and the President feels the fullest confidence that his excellency the Vice President of the United Mexican States will act under the influence of a similar spirit. For this purpose I have received instructions from the President of the United States of America to propose the establishment of a new boundary between the two nations, more conformable to the mutual interest of each, and better adapted, not only to preserve the integrity of national domain, but to promote other objects alike interesting to both parties.

I have to request that you will place this communication before his excellency the Vice President, to the end that he may enter into a consideration at once of the subject presented in this note; and should he concur in opinion with the President of the United States of America as to the propriety of investigating anew the question of adopting a different boundary between the two nations, that in such event a plenipotentiary on the part of Mexico may be appointed, with whom I am prepared to compare and exchange powers preliminary to an entrance upon the discussion of the subject of boundary above referred to.

The undersigned embraces this opportunity to renew to Mr. Monasterio the assurances of his distinguished consideration.

ANTHONY BUTLER.

To JOSEPH M. O. MONASTERIO.

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*Mr. Gonzalez to Mr. Butler.*

[Translation.]

PALACE OF THE FEDERAL GOVERNMENT,
*Mexico, February* 14, 1833.

The undersigned, Secretary of State and of Relations, has the honor to inform you that he has submitted to his excellency the President, the note addressed by you to this department on the 26th of July last, containing information that the treaty of limits agreed upon between the two republics had been published by the Government of the United States, and that, conformably with its terms, commissioners would be appointed, who would, at the proper period, proceed jointly with those on the part of Mexico, to fix the line of demarcation between the two countries.

The circumstances from the influence of which this republic is now emerging, have prevented a reply from being hitherto made to this note, and have likewise hindered the publication of the treaty, which will, however, be done within a few days. In the mean time, the undersigned has been ordered to assure you that the Government of Mexico will, without delay, appoint commissioners, who will proceed, jointly with those on the part of the United States, to fix the limits defined in the treaty, and of whose appointment you will be notified in due time. The Mexican Government, considering the treaty as it has been considered by that of the United States, namely, as a supreme law, will do all in its power to carry its stipulations most rigorously into execution.

The undersigned, in thus replying to your note, has the honor to renew the assurances of his most distinguished consideration.

BERNARDO GONZALEZ.

To ANTHONY BUTLER, Esq.,
*Chargé d'Affaires of the United States of America.*

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*Mr. Butler to Mr. Gonzalez.*

LEGATION OF THE UNITED STATES OF AMERICA,
*Mexico, February* 16, 1833.

The undersigned, chargé d'affaires of the United States of America, has the honor of acknowledging the receipt this day of the note of your excellency, dated on the 14th current, in reply to a communication addressed by the undersigned to the Department of Foreign Affairs on the

26th of July, 1832. In the communication referred to by your excellency, it was the purpose of the undersigned to bring under the notice of the Mexican Government the great delay which had occurred in making known to the States and the people of the Mexican confederation that a treaty of amity, commerce, and navigation, and one of boundary, had been negotiated and ratified between Mexico and the United States of America, and had become the supreme law of the land to both nations. This prompting seemed the more proper, inasmuch as the citizens of the United States of America resident in the United Mexican States had suffered and were suffering exactions, and were deprived of the enjoyment of privileges, in some of the interior States of this confederation, against the first of which they were protected, and in the full advantage of the latter they were assured, under the guarantee of stipulations contained in the treaty of amity, commerce, and navigation between the two nations; yet, when appeal was made to this treaty, on the part of those who were either restrained in their privileges, or suffered aggression on their rights, the uniform answer returned was, "we can recognise no treaty, never having been officially informed thereof by the Supreme Government of Mexico, and cannot therefore respect any claim which you prefer under its authority." Hence we see the propriety of giving the earliest publicity to that instrument, in such mode as, according to the practice of this Government, shall confer upon the treaty of amity and commerce the validity of a public law; and the undersigned has been prompted to make this suggestion, inasmuch as no reference has been made to that treaty in the note of your excellency dated on the 14th current, and just received at this legation.

It will not escape the observation of your excellency that notwithstanding treaties of amity, commerce, and navigation, and of limits, were concluded between this Government and that of the undersigned more than two years past, and the ratifications of which were exchanged and publication thereof made in the United States of America, investing them with all the sanctions of a supreme law nearly one year since, still these national contracts of equal and mutual obligation upon each Power remain in that of Mexico a dead letter, under the pretext that official promulgation has never been made.

And if the undersigned has not hitherto remonstrated with more frequency and energy against this delay, and the consequences which it was daily unfolding, the reason and his motives will find their explanation in the peculiar condition in which Mexico was placed for the last twelve months.

A longer delay, however, in giving publicity to the treaty of amity and commerce must inevitably lead to greater and more frequent violation of its provisions, and the instances of which may at length accumulate in such number and magnitude as shall require not only prompt and ample redress, but may have a tendency to disturb the harmony which at present so happily subsists between Mexico and the United States; and it is to obviate such a state of things that the undersigned would pray you, sir, to lay this matter immediately before his excellency the President of the United Mexican States, that such order may be taken thereupon as his excellency may deem expedient on the occasion.

The undersigned renews to your excellency the assurances, &c. A. BUTLER.

To his Excellency Bernardo Gonzalez,
*Secretary of State for Foreign Affairs of the United Mexican States.*

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*Mr. Gonzalez to Mr. Butler.*

Palace of the Federal Government,
*Mexico, February* 21, 1833.

The undersigned, Secretary of State and of Relations, acknowledges the receipt of the note which you were pleased to address to him on the 16th instant, urging the necessity of proceeding without delay to the publication of the treaties concluded between these United States and those of America; and he has now the honor to repeat to you what he said in his note of the 14th—the engagement on the part of the Mexican Government to carry into effect within a few days the said publication, which has only been postponed on account of the peculiar circumstances in which the nation has been placed during the greater portion of the past year, and which have terminated so fortunately.

The undersigned avails himself of this occasion to renew to you, sir, the protestations of his consideration and esteem.

BERNARDO GONZALEZ.

To Anthony Butler, Esq.,
*Chargé d'Affaires of the U. S. of America.*

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*Mr. Gonzalez to Mr. Butler.*

[Translation.]

Palace of the Federal Government,
*Mexico, February* 27, 1833.

The undersigned, Secretary of State and of Relations, has the honor to send to you, herewith, copies of the treaty of amity, commerce, and navigation, and of the treaty of limits, between these United States and those of America; repeating, at the same time, what he has already said in several different notes, with regard to the circumstances which have delayed the prompt publication of these documents.

The undersigned, on this occasion, renews to you, sir, the assurances of his most distinguished consideration.

BERNARDO GONZALEZ.

To Anthony Butler, Esq.,
*Chargé d'Affaires of the U. S. of America.*

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*Mr. Butler to Mr. Garcia.*

Legation of the United States of America,
*Mexico, September* 6, 1833.

The undersigned, chargé d'affaires of the United States of America, had the honor of communicating to the Supreme Government of Mexico, in a note addressed by the undersigned to the Secretary of State for Foreign Affairs, more than one year past, information of the fact that his Government had appointed a commissioner on their part to establish and mark the line of limits and boundary between the two nations of Mexico and the United States of America, in conformity with the treaty on that subject; and the undersigned was instructed at the same time to propose a review of the question of limits, for the purpose of defining more exactly and clearly the landmarks of such line than had been done by the treaty of 1819, between Spain and the United States. This proposition was received and entertained by the administration then in power, and action upon it merely suspended in consequence of the unsettled condition of Mexico at the period referred to. The undersigned has more than once, during the present year, renewed the application for reconsidering and newly arranging, in a clear manner, and on a permanent basis, this question, still unsettled between the two nations—a question always highly delicate, and deeply interesting to the parties concerned—but without having the good fortune to elicit a reply from the Supreme Government, although the ordinary courtesy observed between nations in their intercourse with each other might have fairly authorized the expectation of such reply. Not without hope, however, that the difficulties which are known to surround this question may yet be adjusted in an amicable and satisfactory manner to both the parties interested, the undersigned will once more invoke the attention of your excellency to the subject, requesting

that it may be placed distinctly under the consideration of the Vice President, for his decision thereupon; and the undersigned is the more anxious for a decision on the subject at this time, inasmuch as a period so auspicious for the settlement of this question will perhaps never again occur. The undersigned cannot doubt that the proposition herein renewed will attract the regard of the Supreme Government of Mexico equally with that of his own, and that the result will be an immediate, permanent, and amicable arrangement, in which the interests of both parties will be consulted and promoted.

The undersigned has the honor, &c.

ANTHONY BUTLER.

To his Excellency CARLOS GARCIA, &c.

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*Mr. Garcia to Mr. Butler.*

[Translation.]

PALACE OF THE FEDERAL GOVERNMENT,
*Mexico, September* 25, 1833.

The undersigned, Secretary of State and of Relations, has the honor to inform Mr. Anthony Butler that his excellency the Vice President, with the view of carrying into execution the third article of the treaty of limits between these States and those of America, has appointed Lieutenant Colonel Don Tomas Ramon del Moral as commissioner, and Don Castillo Nevarro as surveyor.

The undersigned embraces this opportunity to repeat to Mr. Butler the assurances of his very distinguished consideration.

CARLOS GARCIA.

To ANTHONY BUTLER, Esq.,
*Chargé d'Affaires of the U. S. of America.*

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*Mr. Butler to Mr. McLane.—Extract.*

LEGATION OF THE UNITED STATES OF AMERICA,
*Mexico, July* 1, 1834.

SIR: I have the honor to acknowledge the receipt of despatches to No. 66 inclusive, with the exception of No. 47. Nos. 57 and 58 have recently been received, after making the circuit, perhaps of the whole Mexican confederation. It seems that they were intrusted to the care of a gentleman on his way to Mexico, who, travelling for amusement, pursued a different route from that at first intended, and after keeping the despatches in his possession for weeks, placed them at length in the ordinary conveyance, by which they are received.

I perceive that by No. 58 I am directed to conclude "a new convention" with the Mexican Government on the subject of boundary, and which "new convention" "must be ratified by the Mexican Government previously to submitting it for the ratification of the United States," &c.; and I am also informed that it is the wish of the President that I should myself be the bearer of the new convention to the United States. I presume that there will be no difficulty in concluding a new convention on the subject indicated; but, as the authority to ratify resides in the General Congress, which assembles on the first day of January next, and who may keep the question before them for a month or more, I beg leave to suggest whether it would not be best to permit my return to the United States immediately, either on leave of absence for a short period, or as a retirement from the mission altogether. I am fully persuaded that the public service may derive benefit from an interview either with yourself or the President, at which certain communications may be made, and opinions freely exchanged and compared, which it is impracticable to do by any other mode; and, after this interview, it may be better determined whether the public interest will be more advanced by my return to Mexico, or by the appointment of a successor to the mission; and I earnestly request that this matter may be submitted to the consideration of the President without delay, so that his determination be made known to me as early as practicable.

Hon. LOUIS MCLANE.

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*Mr. Butler to Mr. Lombardo.*

LEGATION OF THE UNITED STATES OF AMERICA,
*Mexico, December* 21, 1834.

The undersigned, chargé d'affaires of the United States of America, has the honor of informing his excellency the Secretary of State, that by a communication received recently from the Government of the undersigned, he is instructed to propose to that of Mexico a renewal of the treaty of boundary between the two nations.

Your excellency is fully aware of the importance of the subject, and the interest which Mexico no less than the Government of the undersigned should feel in its adjustment; and he may be permitted to express the hope and the expectation that the question will now be disposed of without any unnecessary delay. Two treaties have already been negotiated between the two nations upon this subject, neither of which have been executed, notwithstanding the Government of the undersigned have done every thing on their part which was within their competency for the accomplishment of this work, whilst Mexico, by omitting to perform the necessary acts on her part, occasioned the treaty to expire. The undersigned will not permit himself to imagine motives for such an extraordinary indifference as Mexico has manifested upon this subject, but confines himself to stating, as he is instructed to do, that longer delay in adjusting the true boundary between Mexico and the United States of America cannot be permitted.

The undersigned forbears to urge the many cogent reasons for concluding this subject definitely, because they are too obvious to require being stated; he will merely remark that Mexico being in the occupancy of a large portion of territory which the Government of the undersigned conceives respectfully to belong to the people of the United States, and great part of which, it is understood, has already been granted under the authority of Mexico to various individuals, it becomes the more imperiously urgent that this question should promptly be disposed of. The undersigned requests, therefore, that this subject be immediately brought before his excellency the President of the Mexican United States, with the view of concluding the treaty in time to be acted on by the Senate of the United States of America, which will adjourn on the 4th day of March ensuing.

The undersigned has the honor to renew to his excellency Mr. Lombardo the assurances of his great consideration.

ANTHONY BUTLER.

To his Excellency FRANCISCO M. LOMBARDO,
*Secretary of State for Foreign Affairs of the Mexican United States.*

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*Mr. Gutierrez de Estrada to Mr. Butler.*

[Translation.]

PALACE OF THE FEDERAL GOVERNMENT,
*Mexico, February* 7, 1835.

The undersigned, Secretary of State and of Internal and Foreign Relations, has the honor to inform Mr. Anthony Butler that he has informed himself of the contents of the note which Mr. Butler addressed to this Department on the 27th of January respecting the settlement of the limits between these States and the United States of America.

The undersigned must inform Mr. Butler, in reply, that as powers and instructions with the same object have been forwarded to the chargé d'affaires of this republic in

Washington, and notice has been received, under date of December 16th, of their having reached him, and of the commencement of the negotiation with Mr. Forsyth, the Minister of Foreign Affairs, it is proper to await the result, or otherwise inconvenient contradictions might arise from the confusion which would be likely to ensue.

But for this just reason, the undersigned, Secretary of State and of Relations, would have had the utmost pleasure in treating with Mr. Anthony Butler with regard to the settlement of limits; as, being well aware of that gentleman's moderation, his sense of honor, and the correctness of his principles, he is convinced that this affair might be terminated most easily in a manner conformable with justice and with the interests of both nations.

The undersigned expresses to Mr. Anthony Butler the assurances of his constant esteem and distinguished consideration. J. M. GUTIERREZ DE ESTRADA.

To Anthony Butler, Esq.,
*Chargé de Affaires of U. S. of America.*

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*Mr. Butler to the President.—Extracts.*

Mexico, *February* 26, 1835.

My dear sir: From my letters of November and December last, you expected me in Washington city before this; and so I should have been, but for a most untoward event, which I shall explain to you. I have already informed you of my intention to remain in Mexico until the meeting of Congress—first, because I wished to see how the reform Congress would open; and, secondly, for the purpose of carrying home with me the ratification of the boundary treaty, as I was instructed to do; when, after all the delay, I was, on the 9th day of the present month, informed that the negotiation on that subject had been transferred to Washington city.

The Department of Foreign Affairs for Mexico has changed hands three times since May last, and this created some confusion in the business of that department. You are aware that my instructions for renewing the boundary treaty arrived here in the beginning of June of the past year; and these instructions enjoined it on me to have the treaty ratified before sending it home. A short time previous to receipt of these instructions, General Santa Anna had dissolved the Congress, so that it was impossible to obtain the ratification until a new election could take place and the members assemble. Immediately on receiving the despatch, I addressed a note to the Department of State, advising the Secretary of my having been invested with powers to conclude a treaty with Mexico for the establishment of the boundary between the two nations; and upon a question from the Secretary whether it would be necessary to enter upon the subject immediately, I replied in the negative, informing him very frankly that on account of the delays such things suffered in Mexico, it was my design not to send home the treaty until it had been first ratified here; and as there was no Congress, and would be none until January, the subject might remain over for the present if he desired it. He expressed himself much pleased, saying that he expected very soon to lose the office; that he was very much engaged in closing every thing in which he had been concerned, as far as practicable; and as the work of this treaty would not be more than an hour, myself and some other gentleman, his successor, might conclude it just before Congress assembled. As this was all true, I felt disposed to let the question lie over, to gratify the Secretary. As he had anticipated, he went out of office in a very few weeks; and I did not revive the subject with his successor *officially* until the beginning of December, when I directed his attention to my official note of June past to his predecessor, and desired to know when it would be agreeable to the Mexican Government to commence the negotiation. My note remained unanswered until January, when just about the period of the meeting of Congress, I addressed the Secretary a second note. About this time it was rumored that another change would shortly be made in the department. * * *

In January the change, as expected, actually took place, upon which I immediately addressed the new Secretary, directing his attention to the delays that had occurred; and requesting him to appoint an early day for commencing the negotiation; when, to my great surprise, he replied to me in a few days, stating that the negotiation had been intrusted to Mr. Castillo: and that letters had been received from him saying that on the 10th December last he had entered upon the subject with Mr. Forsyth; and consequently it became proper to wait the result of that negotiation, lest by carrying it on at the same time at two different points, embarrassment might be produced. I give you all these facts, even at the hazard of being deemed tedious, rather than permit you to suppose that any neglect of mine has occasioned the transfer to Washington city. And now I shall most certainly return in the New York packet for April, and be able perhaps to bring with me the exchange of ratifications; if, as I suppose, the treaty is already finished, and may be expected here from day to day.

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*Mr. Gutierrez de Estrado to Mr. Butler.*

[Translation.]

Palace of the Federal Government,
*Mexico, March* 29, 1835.

The undersigned, Secretary of State and of Relations, has the honor to inform the chargé d'affaires of the United States of America, that, according to the communications last received from the representative of the republic in Washington, no steps had been taken in the negotiation with which he was charged, for the purpose of prolonging the period set forth in the treaty of limits, for the meeting of the commissioners of the two Governments, whose duty it would be to fix those limits, agreeably to the terms stipulated in the said treaty.

In consequence of this, as the Congress of the United States was to close its session about the commencement of the present month, and as the honorable Mr. Butler is himself sufficiently authorized to conduct this negotiation, as appears by his notes of December 21 and January 27 last, the undersigned has the satisfaction to inform him, by order of his excellency the acting President, that he is, on his own part, ready to treat here, with regard to the prolongation of the period above mentioned, in order that the said treaty may, as soon as possible, be carried into complete fulfilment.

His excellency the acting President has thought proper to authorize to this effect his excellency Don José Mariano Blasco, Secretary of the Treasury, together with the undersigned Secretary of Relations, and he desires that a commencement may be immediately made of a negotiation which appears to be so simple, if both parties are well disposed, as would seem to be the case from the communication on this subject addressed, a short time since, to the undersigned, by Mr. Anthony Butler.

This may now be easily effected; and although Mr. Butler has given notice of his intention to go soon to the United States, the undersigned hopes that, in order to have this business entirely concluded before his departure, that gentlemen will have the kindness to call at the Department of Foreign Relations to-morrow, the 30th of this month, at half-past one in the afternoon.

The undersigned concludes with presenting to the chargé d'affaires of the United States of the North, the assurances of his most distinguished consideration.

J. M. GUTIERREZ DE ESTRADA.

To Anthony Butler, Esq.
*Chargé d'Affaires of the U. S. of America.*

*Mr. Obregon to Mr. Clay.*

[Translation.]

LEGATION OF THE UNITED STATES OF MEXICO,
*Washington, March* 19, 1828.

SIR: The undersigned, envoy extraordinary of the Mexican republic, has the honor to inform the Secretary of State that the Government of Mexico has appointed General Don M. Teran to perform the scientific operations and surveys necessary to proceed in the execution of the treaty of limits between the United States of America and the United States of Mexico; and that, with that view, it has applied to Mr. Poinsett, minister extraordinary of this republic at Mexico, for the necessary passports, who immediately granted them, accompanied by letters of recommendation for the Governors of the conterminous territory of Arkansas and of the State of Louisiana.

The undersigned, in communicating this information to the Secretary of State, wishes to know if a passport from the Secretary of State will be necessary to enable General Teran and the persons attached to his party, of whom a list is enclosed, as also such other individuals as, for their safety, may accompany them, to discharge, without obstacles, the duties assigned them. If such be the case, the undersigned hopes that the Secretary of State will grant those passports, and communicate whatever he may think calculated to prevent any thing occurring in this transaction to disturb the harmony subsisting between the two Governments.

The undersigned takes this opportunity to offer to the Secretary of State the sentiments of his highest consideration and respect. PABLO OBREGON.

Hon. HENRY CLAY,
*Secretary of State.*

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[Translation.]

*List of persons composing the commission appointed to make the surveys preparatory to the settlement of limits between the United States of America and those of Mexico.*

General Don M. Teran,
Lieutenant Colonel Don C. Tarnaba,
Lieutenant Colonel Don S. Batres,
Sub-lieutenant of artillery Don T. Ma. Sanchez,
Don R. Chovel, mineralogist,
Don Luis Berlandier, physician botanist.

A true copy. March 19, 1828.
J. M. MONTOYA,
*Secretary of Legation.*

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*Mr. Clay to Mr. Obregon.*

DEPARTMENT OF STATE,
*Washington, March* 24, 1828.

SIR: I have the honor to acknowledge the receipt of your note of the 19th instant, communicating the information that the Government of Mexico has appointed General Don M. Teran to perform the scientific operations and surveys necessary to proceed in the execution of the treaty of limits between the United States of America and the United States of Mexico, and that with that view passports have been obtained from Mr. Poinsett, minister plenipotentiary and envoy extraordinary of the United States at Mexico, together with letters of recommendation to the Governors of the conterminous territory of Louisiana and Arkansas; and requesting to be informed if a passport from this Department to General Teran and his family will be necessary to enable them to execute the object of their appointment without molestation.

The treaty to which you are understood to refer, lately concluded at Mexico, has not yet been received, and consequently is not yet ratified by this Government. Any joint measures, therefore, in relation to its execution, would be premature until that ceremony is performed. But as the operations and surveys contemplated by General Teran's appointment are presumed to be intended for the satisfaction of the Government of the United States of Mexico, the President has no objection to them. I have, therefore, the pleasure of transmitting the passport requested from this office, which, although it may not be necessary to the security of General Teran and his suite, may conduce to the removal of any obstructions which, without it, he might possibly encounter.

I avail myself of the occasion to renew to Mr. Obregon assurances of my distinguished consideration.

HENRY CLAY.

Don PABLO OBREGON,
*Envoy Extraordinary and Minister Plenipotentiary from the United Mexican States.*

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*Mr. Clay to Mr. Obregon.*

DEPARTMEET OF STATE,
*Washington, April* 30, 1828.

SIR: I have the honor to inform you that the President, by and with the advice and consent of the Senate of the United States, has ratified the treaty of limits concluded at Mexico on the 12th day of January last. It is stipulated in the treaty that the exchange of its ratifications shall be made in this city within four months from the date of the treaty, of which only a few days now remain. I have the honor to inform you that I am ready to proceed in the exchange of the ratifications of the treaty at any time that may suit your convenience within the period prescribed.

I avail myself of this occasion to present you assurances of my high consideration. H. CLAY.

Don PABLO OBREGON, &c.

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*Mr. Obregon to Mr. Clay.*

[Translation.]

MEXICAN LEGATION,
*Washington, May* 1, 1828.

SIR: I have had the honor of receiving your note dated yesterday, informing me of the ratification, by the President and Senate of these States, of the treaty of limits concluded between this Government and that of Mexico, whose exchange may be made until the 12th of this month, and that you are ready to proceed to effect that exchange whenever it shall be convenient to me.

As yet I have not received the said treaty, and therefore regret not to have it in my power to do so immediately, as I would otherwise have done on the receipt of the note which I have the honor to answer.

I seize this opportunity to present to you the assurances of my high consideration and respect.

PABLO OBREGON.

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*Mr. Obregon to Mr. Clay.*

[Translation.]

MEXICAN LEGATION,
*Washington, August* 2, 1828.

SIR: The undersigned, envoy extraordinary and minister plenipotentiary of the Mexican United States, has the honor to inform the Secretary of State that he arrived yesterday from New York, where he received the treaty of limits concluded at Mexico, ratified by the President of the Mexican United States, with the approbation of Congress.

The undersigned is, therefore, ready to exchange the ratification when convenient to the Secretary of State.

The undersigned seizes this opportunity to renew to the Secretary of State the assurances of his highest consideration and respect. PABLO OBREGON.

*Mr. Brent to Mr. Obregon.*

Department of State,
*Washington, August* 2, 1828.

Sir: In the absence of the Secretary, I have just received your note to him of this day's date, announcing your return to this city from that of New York, and stating that you had received, in the last-mentioned city, the ratification by the President of the Mexican United States of the treaty of limits between the United States of America and the United Mexican States, concluded and signed at Mexico on the 12th day of January last, and that you were ready to proceed to the exchange of that ratification for one on the part of this Government, when convenient. Having submitted your note to the President, I am directed by him to observe to you, as I have the honor to do, in reply, that, as the treaty in question contains a stipulation that the exchange of ratifications should be effected within four months from its date, and the ratification on the part of the United States was advised by their Senate, with that stipulation forming a part of the instrument, the President does not think himself at liberty, now that the limited period has expired, to authorize the proposed exchange without the further consent of the Senate; and that it will be accordingly laid again before the Senate at its next session for that purpose, together with the treaty of amity, commerce, and navigation, which was negotiated at Mexico under the eye of your Government, and concluded and signed there on the 14th of February following, as it is understood that a condition has been annexed to the ratification of that treaty, by the advice of the Mexican Congress, of which the Senate of the United States was not aware when it advised the ratification of it on the part of the United States.

I pray you, sir, to accept the assurances of my very high and distinguished consideration.

DANIEL BRENT.

Don Pablo Obregon, *Envoy Extraordinary and Minister Plenipotentiary from Mexico.*

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*Mr. Montoya to Mr. Van Buren.*

[Translation.]

Legation of Mexico,
*Baltimore, April* 16, 1829.

The undersigned, chargé d'affaires of the United Mexican States, has the honor to inform the Secretary of State that the Government of Mexico, desirous of carrying into effect, on its part, the treaty of limits concluded in that capital on the 12th of January of last year, and approved by the General Congress, has directed him, as its plenipotentiary, to do whatever may be necessary to effect the exchange of ratifications of the said treaty, and invested him with full powers for that purpose.

It appears from a note which the late Secretary of State addressed to Mr. Obregon prior to the opening of the last session of Congress, that the objection which the President then had to authorize the exchange of the ratification was, that, the term stipulated by the treaty having expired, it was necessary again to submit it to the Senate for consideration.

The undersigned presumes that this has been done during the session which expired on the 4th of March, and that no further difficulty now exists on the part of the United States of America.

The undersigned, therefore, hopes that the Secretary of State will inform him whether he is disposed to proceed to the exchange of the ratification of the treaty of limits above referred to.

The undersigned seizes this opportunity to renew to the Secretary of State the assurances of his greatest consideration and respect. J. M. MONTOYA.

*Mr. Van Buren to Mr. Montoya.*

Department of State,
*Washington, April* 22, 1829.

The undersigned, Secretary of State of the United States, has received the note of the 16th instant, which Mr. Montoya, chargé d'affaires from the United Mexican States, has addressed to him, stating that his Government, being desirous of carrying into effect, on its part, the treaty of limits concluded on the 12th of January of last year, between this Government and that, has directed him to do whatever may be necessary to accomplish the exchange of the ratifications of that treaty, and has invested him with full powers for the purpose; and requesting to be informed whether the undersigned is disposed to proceed with him to the exchange of the ratifications accordingly of the treaty referred to.

The undersigned having laid Mr. Montoya's note before the President of the United States, he is instructed by him to state, in reply, as he has the honor to do, that, concurring in the opinion which appears to have been entertained by his immediate predecessor, as made known to Mr. Obregon, the then minister of Mexico near this Government, on the 2d of August last, by this Department, that it would not be proper on his part to authorize the exchange of the ratifications without again submitting the treaty to the consideration of the Senate, for its renewed advice and consent, the term stipulated by that instrument itself, in which the exchange of ratifications was to be effected, having expired before Mr. Obregon gave notice that he was instructed and empowered to make it on the part of his Government, this formality cannot now be entered upon, but must necessarily await the decision of the Senate, at its next session, when the treaty in question will be again submitted to that body with that view.

The undersigned is not particularly acquainted with the policy which governed the late President, in not asking and taking the advice of the Senate at its last session, as it appears he intended to do, with regard to this subject, but it is presumed that he was influenced by the expectation, which he had reason to entertain, that another treaty between the same parties, equally interesting to both of them, which had also been negotiated and concluded at the Mexican capital, under the immediate eye of the Mexican Government, would be received back from that Government, with its ratification added thereto, in time to be submitted, together with the other, to the consideration of the Senate during that session; and he was disappointed in this expectation. Before the commencement of the next session of the Senate, however, the undersigned flatters himself that Mr. Montoya will have received from his Government its ratification of the last-mentioned, the commercial treaty, with authority to proceed to the exchange of it for the ratification of this Government; and he is authorized to inform him that, in that case, the President will forthwith submit it likewise to the further consideration of the Senate of the United States.

The undersigned prays Mr. Montoya to accept the assurance of his distinguished consideration.

M. VAN BUREN.

Don J. M. Montoya, &c.

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*Mr. Montoya to Mr. Livingston.*

[Translation.]

Mexican Legation in Washington,
*March* 26, 1832.

The undersigned, chargé d'affaires of the United Mexican States, has the honor to inform the Secretary of State of the United States of America, that the Government of Mexico, being anxious to carry into effect on its own part the treaty of limits, and that of amity, commerce, and

navigation, concluded and signed at the capital of the latter republic on the 12th of January, 1828, and on the 5th of April, 1831, both of which have been approved by the General Congress of the Union, have appointed and fully authorized him, as plenipotentiary, to do whatever may be necessary for the exchange of the ratifications of the said treaties.

The undersigned hopes that the Secretary of State will inform him whether he is equally disposed to proceed to the exchange of the ratifications, reminding him at the same time that, on the 5th of April next, the period stipulated for that act will expire.

The undersigned avails himself of this occasion to renew to the Secretary of State the expressions of his high consideration and respect. J. M. MONTOYA.

To the Hon. EDWARD LIVINGSTON,
*Secretary of State.*

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*Mr. Livingston to Mr. Montoya.*

DEPARTMENT OF STATE,
*Washington, March* 30, 1832.

The Secretary of State of the United States had the honor to receive, on the day of its date, the 26th of this month, the note of Mr. Montoya, chargé d'affaires of the United Mexican States, and has now the satisfaction to inform him, in reply, that he will be ready to proceed with Mr. Montoya, at this office, on Wednesday next, the 4th of April, to the exchange of the ratifications, by their respective Governments, of the treaty of commerce and navigation concluded between them at Mexico on the 5th day of April last.

To Mr. MONTOYA,
*Chargé d'Affaires of Mexico.*

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*Mr. Montoya to Mr. Livingston.*

[Translation.]

MEXICAN LEGATION,
*Washington, March* 31, 1832.

The undersigned, chargé d'affaires of the United Mexican States, had this day the honor of receiving from the Secretary of State, a note bearing date the 30th, in reply to his of the 26th; in it the Secretary informs the undersigned that he will be prepared, on Wednesday the 4th of April next, for the exchange of the ratifications by the respective Governments of the treaty of *commerce and navigation* concluded in Mexico on the 5th of April last.

The undersigned was much surprised and grieved by the terms of this reply. On the 30th April, 1828, Mr. Clay, then Secretary of State, informed the Mexican minister by note, that the President had, with the advice and consent of the Senate, ratified the treaty of limits which had been concluded in Mexico on the 12th of January preceding, and that he was ready for the exchange of the ratifications at any time within the period assigned by the treaty which would be convenient to the Mexican minister. That period, however, passed before the minister could receive the treaty ratified by his Government, and consequently the exchange would not be effected within it. When at length the treaty arrived, the minister informed the Secretary of State on 2d August, 1828, that no further obstacle existed to the exchange of ratifications; the reply was, that the period fixed in the treaty having been exceeded, the subject would have to be brought before the Senate at their next session.

The same reply was given by Mr. Van Buren to the undersigned on the 22d April, with the addition that as soon as the treaty of commerce and navigation was received, it would be submitted to the consideration of the Senate.

Induced by this correspondence, the Vice President of the United Mexican States procured, with great difficulty, the necessary powers to conclude and ratify the treaty of friendship, commerce, and navigation, the period for the exchange of ratifications of this latter being declared by an additional article to be the same within which that of the treaty of limits is to take place.

From this it appears that the treaty was actually signed by the President of the United Mexican States, and that the exchange was only prevented by the circumstance of the period assigned having been exceeded; that the Mexican Government, by the additional article, had removed this obstacle as far as lay in its power, and by ratifying the treaty of friendship, commerce, and navigation, has also done away with the second objection alleged by the United States Government against the exchange of the treaty of limits.

Consequently, when the Mexican Government sent both the treaties to be exchanged at once in this capital, within the period last assigned, it was far from imagining that the exchange of ratifications of the treaty of limits would be put off indefinitely by the American Government.

The undersigned says nothing of the unfavorable impression which this delay will produce upon the Mexican nation, and ventures to hope that when the Secretary of State thinks proper to exchange the ratifications of the treaty of friendship, commerce, and navigation, he will likewise exchange those of the treaty of limits at the same time.

The undersigned takes this occasion to express to the Secretary of State the sentiments of consideration and respect with which he signs himself,

J. M. MONTOYA.

To the Hon. EDWARD LIVINGSTON,
*Secretary of State.*

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*Mr. Livingston to Mr. Montoya.*

DEPARTMENT OF STATE,
*Washington, March* 31, 1832.

The undersigned, Secretary of State of the United States has the honor to acknowledge the receipt of a note of this date from Mr. Montoya, chargé d'affaires of the United States of Mexico, in answer to the notice which the undersigned caused to be given of his readiness to proceed to the exchange of the ratifications of the treaty of commerce and navigation on the 4th of next month of April. In that note Mr. Montoya expresses a hope that, on the same day fixed for the exchange of the ratifications of the treaty of commerce and navigation, the exchange may also take place of the treaty of limits. To this proposition it would be a sufficient answer to say, that, in order to proceed to the exchange of treaties, the ratifications of both of the high contracting parties, by their constitutional organs, must have preceded such exchange; that, in the case of one treaty, such ratification has taken place, and that in the case of the other it has not; the treaty of limits being still under the consideration of the Senate, without whose consent and advice, by the constitution, the President cannot ratify the treaty, and of course the undersigned cannot make the exchange. This, the undersigned repeats, would be a sufficient, and, as is hoped, a satisfactory reason why the expectations of the chargé d'affaires of the United Mexican States on this subject cannot be fulfilled. But, as the course heretofore taken seems to be relied on as a reason why the exchanges ought in good faith to be simultaneously made, it is proper to remark that the readiness evinced by the note of Mr. Clay, on the 30th of April, 1828, on the part of this Government, to proceed to the exchange of the treaty of limits immediately after its ratification by the Senate, and the subsequent answer given to the minister from Mexico that such exchange could not take place, as the period limited for the exchange had ex-

pired, both show that this Government was ready to make the exchange within the time, and signified such readiness, and that after that time had expired no power to do it existed until a modification of the treaty had been made by the treaty-making powers of both nations. That modification has been made by one of the high contracting parties, and it is now before the other for its action.

The intimate acquaintance which the chargé d'affaires of the Mexican republic has with the distribution of powers under our constitution, renders it unnecessary to explain to him the relative functions of the President and the Senate in the formation of treaties, or to inform him that it would be impossible for the President to assume the powers given to another branch of the Government. The former ratification by the Senate four years ago was rendered inoperative by the omission of the Mexican Government to ratify within the term prescribed, and the subsequent enlargement of the term by an additional article by one party requires, as has been said, the co-operation of the other before the compact can be complete.

It is hoped that the ratification of the Senate will enable the undersigned to comply with the wishes of the chargé d'affaires of the United Mexican States, to exchange both treaties at the same time, and to give the greatest opportunity for doing this the latest day was fixed for the exchange of the ratifications of the treaty of commerce and navigation.

The undersigned renews the assurances of his high consideration. EDWARD LIVINGSTON.

JOSE MONTOYA, Esq.,
*Chargé d'Affaires of the United Mexican States.*

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*Mr. Montoya to Mr. Livingston.*

[Translation.]

MEXICAN LEGATION IN WASHINGTON,
*April* 3, 1832.

The undersigned, chargé d'affaires of the United Mexican States, had the honor to receive, yesterday, at 3 o'clock in the afternoon, the note from Mr. Livingston, the Secretary of State, dated March 31st, in reply to that from the undersigned of the same date, stating his reasons for hoping that the ratifications of the treaty of limits might be exchanged on the same day with those of the treaty of amity, commerce, and navigation.

Mr. Livingston, in his said note, says that it would be a sufficient answer to this proposition to state, that in order to proceed to the exchange of treaties, the ratifications of both the high contracting parties should have been previously exchanged, and that as the treaty of limits is now under the consideration of the Senate of the United States, without the consent of which the President cannot ratify it, Mr. Livingston cannot proceed to the exchange of the ratifications. He afterwards adds, that although this might be taken as a sufficient and satisfactory reason for the non-fulfilment of the expectations of the undersigned with regard to this affair, it was proper to remark that the readiness evinced by Mr. Clay, in his note of the 30th of April, 1828, to proceed on the part of the United States to the exchange of the ratifications of the treaty of limits, immediately after its ratification by the Senate, and his answer to the Mexican minister, that the said exchange could not take place, as the period assigned for it had expired, served as proofs that the Government of the United States was ready to make the exchange; but that the period having expired, it could not be effected until a modification of the treaty had been made by those authorized by the Government to make it; that such a modification had been made by one of the high contracting parties, but the decision of the other with regard to it was still pending. The honorable Secretary adds, that the first ratification by the Government of the United States had been rendered void by the omission on the part of the Mexican Government to ratify the treaty within the term prescribed; and that the extension of this term by means of an additional article, proposed by one party, requires for its entire admission as a compact, the co-operation of the other.

The undersigned, on despatching his note of the 31st March, was well aware that the President of the United States could not ratify the treaty of limits without the consent of the Senate; he also knew that as the ratifications had not been exchanged within the period stipulated on the 12th of January, 1828, it was necessary that the additional article for extending the term of the exchange one year longer, agreed upon at Mexico between the plenipotentiaries between the two high contracting parties, should be submitted to the consideration of the Senate; he, however, believed that no difficulty would have taken place with regard to the ratification of the said article.

In fact, the treaty of limits concluded and signed at Mexico, is merely a repetition of that concluded and ratified by the United States and by Spain. When the United States of America recognised the independence of Mexico, they, by that very act, tacitly recognised the limits already agreed on with Spain, and, therefore, in forming the treaty with regard to that subject in 1828, the United States of America, as well as the United Mexican States, did nothing more than sanction what had been already acknowledged.

The readiness with which this treaty was ratified by the President of the United States, with the consent of the Senate, and the disposition manifested by Mr. Clay for effecting the exchange of the ratifications, prove that the question of the limits was entirely arranged, and that if, after the expiration of the term for the exchange, the President had thought proper to submit the treaty again to the consideration of the Senate, there was no ground for supposing that this second revision comprehended the question of limits, or that it would not be confined simply to that of the extension of the period stipulated for the exchange.

This extension was the sole object of the additional article, which was signed by the American plenipotentiary accredited near the Government of the United Mexican States, in virtue of powers conferred on him by his own. In consequence, the Mexican Government, under the persuasion that there would not be the slightest difficulty on the part of that of the United States of America, with regard to the ratification of the additional article, considered itself authorized to expect that the exchange of both treaties would take place at the same time.

The undersigned therefore finds himself under the necessity of informing the Secretary of State, that, agreeably to his instructions, he cannot proceed to the exchange of the ratifications of the treaty of amity, commerce, and navigation, unless those of the treaty of limits be exchanged at the same time.

The undersigned avails himself of this occasion to repeat to the honorable Secretary of State the assurances of his high consideration and respect.

J. M. MONTOYA.

Hon. EDW. LIVINGSTON,
*Secretary of State.*

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*Mr. Montoya to Mr. Livingston.—Extract.*

[Translation.]

MEXICAN LEGATION AT WASHINGTON,
*April* 27, 1832.

In the third article of the treaty of limits it is agreed that, in order to fix the dividing line between the two republics, each party shall appoint a commissioner and a surveyor, who shall meet at Natchitoches before the termination of one year from the date of the ratification of the treaty. The undersigned requests the Secretary of State to inform him when the appointment of the said commissioner will have been made by the President of the United States, and

at what time the commissioner would probably arrive at the place agreed upon.

The undersigned avails himself of this opportunity to repeat to the Secretary of State the expressions of his high consideration and esteem.

J. M. MONTOYA.

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*Mr. Livingston to Mr. Montoya.*

DEPARTMENT OF STATE,
*Washington, July* 20, 1832.

The undersigned, Secretary of State of the United States, has the honor to transmit to Mr. Montoya, chargé d'affaires from Mexico, the enclosed copy of an act of the late session of Congress, entitled "An act to provide for carrying into effect the treaty of limits between the United States of America and the United Mexican States," and to acquaint him that this Government is prepared to proceed, conjointly with that of Mexico, to the designation of the boundary line between the territories of the two Governments.

The undersigned is instructed, therefore, by the President, to inquire of Mr. Montoya whether any arrangements have been made on the part of his Government for proceeding, conjointly with this, to the designation of the line contemplated, or, if not, to request that he will ask the immediate attention of his Government to this subject.

He avails himself of this occasion to renew to Mr. Montoya the assurances of his consideration.

EDWARD LIVINGSTON.

JOSE MONTOYA, Esq.,
*Chargé d'Affaires of the United Mexican States,*

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*Mr. Castillo to Mr. McLane.*

[Translation.]

MEXICAN LEGATION,
*Philadelphia, December* 2, 1833.

The undersigned, chargé d'affaires of the Mexican republic, has the honor of communicating to the Secretary of State the following note, which he has received from his Government:

"The Supreme Government, with a view to carry into effect the third article of the treaty of limits between the Mexican and the United States Governments, has appointed Lieutenant Colonel Don Tomas Ramon del Moral commissioner, and Don Castillo Navarro surveyor. And I give you this information, in order that you may convey it to the Government near which you are accredited, and, at the same time, may inquire whether such officers have been appointed on its part for fixing the dividing line between the two countries, and, if so, who they are."

The undersigned hopes the Secretary of State will inform him whether any persons have been appointed by his Government to act with those named above in determining the said dividing line, and, if so, what are their names.

The undersigned has the satisfaction of again presenting to the Secretary of State the assurances of his distinguished satisfaction.

God and liberty.

J. M. DE CASTILLO Y LANZAZ.

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*Mr. McLane to Mr. Castillo.*

DEPARTMENT OF STATE,
*Washington, December* 31, 1833.

SIR: Your letter of the 2d of this month, acquainting me that the Supreme Government, with a view to carry into effect the third article of the treaty of limits between Mexico and the United States, had appointed Lieutenant Colonel Don Thomas Ramon del Moral commissioner, and Don Castillo Navarro surveyor, was received at this Department on the 4th instant. I have delayed my answer, however, in the confident expectation, confirmed by the assurance contained in your letter of the 22d July last, that you would have earlier taken up your residence at the seat of Government, in compliance with the wish of the President, which I had the honor to communicate to you on the 13th of July.

As it appears by your letter of the 22d July, that you correctly interpreted the nature of the President's request, I am bound to presume that a compliance with it on your part has been prevented by sufficient and unavoidable causes, although not made known to this Department, and notwithstanding the reasons for your presence here, growing out of the important and particular state of the relations between the two Governments.

Under this belief I address this letter to you at Philadelphia, for the purpose of inviting your attention particularly to the terms of the third article of the convention of limits of the 5th day of April, 1831, and of inquiring of you at what time the appointment of commissioners by your Government was made.

I have the honor to be, with high consideration, your obedient servant, LOUIS McLANE.

Senor Don J. M. DE CASTILLO Y LANZAZ,
*Chargé d'Affaires of Mexico.*

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*Mr. Castillo to Mr. McLane.—Extract.*

[Translation.]

MEXICAN LEGATION,
*Philadelphia, January* 9, 1835.

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As to the second subject treated in the note, respecting the appointments of Colonel Don Thomas Ramon del Moral as commissioner, and Don Castillo Navarro as geometer, for carring into execution the third article of the treaty of limits between the United States and those of Mexico, the undersigned cannot say at what date those appointments were made; and can only declare that the despatch received by him, respecting the same, bore date the 25th of last September. The causes which have produced the delay beyond the period fixed in the above-mentioned article are well known; still the undersigned must be permitted to say, for the credit of the present Mexican administration, that, in the midst of the political storms of civil war, of terrible battles with its enemies, and of difficulties ensuing thereon, despite all this, it has directed its attention to this important business, giving proof in this, as well as other laudable acts, of its desire to draw still more closely the bonds of friendship and harmony now existing between the two countries.

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*Mr. Castillo to Mr. McLane.*

[Translation.]

MEXICAN LEGATION,
*Washington, May* 26, 1834.

The undersigned, chargé d'affaires of the United Mexican States, has the honor to inform the Hon. L. McLane, Secretary of these United States, that he has received orders from his Government to state that it has no motive for altering the terms of the treaty of limits between the two republics in any respect; that this treaty, having been formally published, has the force of law, nothing remaining but that the respective commissioners should proceed in laying down the line of division; that, indeed, the serious difficulties with which the Mexican Government has lately had to contend have hitherto prevented this demarcation from being made; but that these circumstances should not, in any way, affect the results of the negotiation concluded; the more so, as the commissioners and surveyor of the

United States, although appointed the one on the 31st of July, and the others on the 24th of September last, have not yet proceeded on their journey to the place of operations. Finally, that, as in order to carry into effect all the parts of said treaty which remain unexecuted, nothing more is necessary than to extend the term for the meeting of the commissioners, such extension may be made by agreement between any person whom the United States may authorize on their part, and the undersigned on that of the Mexican Government, which has promised to furnish him with full powers to that effect by the packet which is to leave Vera Cruz on the first of next month.

Such an expedient for remedying the delay in the execution of the said treaty, which has been caused by inevitable circumstances, is certainly the most rational; besides which, it conforms to what Mr. McLane was pleased to say verbally to the undersigned in a friendly conference on the subject.

The undersigned hopes Mr. McLane will let him know the intentions of this Government with respect to this business; and he will, on his own part, inform the Secretary of State, as soon as he shall have received the full powers referred to above. Meanwhile he has the honor to repeat to Mr. McLane the assurances of his most distinguished consideration. J. M. CASTILLO Y LANZAS.

To the Hon. Louis McLane, *Secretary of State.*

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*The Minister of Foreign Affairs of Mexico to the Secretary of State of the United States.*

[Translation.]

Palace of the Federal Government,
*Mexico, October* 21, 1834.

The undersigned, Secretary of State and of Relations of the United Mexican States, has the honor to address the Secretary of State of the United States of America, informing him that although the political circumstances in which this republic is placed have prevented its Government from providing for the meeting at Natchitoches of the commissioners and surveyors of the two nations, according to the terms of the third article of the treaty of limits, concluded in the year 1832, within the period there stated, yet it has constantly desired to have this important affair terminated as soon as possible; and, indeed, to that effect it did appoint persons on its part to proceed to the said designation of limits, which could not, however, take place on account of the dismissal of the individuals chosen. His excellency, the President, has since appointed other persons, who will go without delay to Natchitoches; but, in order that they may proceed in union with those of the United States, he has given full power to Don J. M. del Castillo y Lanzas to fix upon a new period for the meeting arranged by the 3d article of the treaty of 1832, as the year therein mentioned has passed. And his excellency, not doubting that the Supreme Government at Washington will have no difficulty in agreeing to this proposition, has directed the undersigned to address the present communication to the honorable Secretary of State of the United States, and to request him to use his influence for the attainment of this important object, which would contribute so essentially to strengthen the relations of amity and good will now subsisting between the two nations.

The undersigned embraces this opportunity to assure the Secretary of State of the United States of his most distinguished consideration.

FRANCISCO DE LOMBARDO.

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*Mr. Castillo to Mr. Forsyth.*

[Translation.]

Mexican Legation,
*Philadelphia, December* 4, 1834.

The undersigned, chargé d'affaires of the United Mexican States, has the honor to communicate to the Hon. John Forsyth, Secretary of State of these United States, that, in the month of May last, in consequence of what was agreed to between himself and the Hon. Louis McLane, at an interview relative to the treaty of limits now pending between the two countries, he had the pleasure to address a note to Mr. McLane, to which he now takes the liberty to refer Mr. Forsyth; it is dated the 26th May, 1834. He must, however, observe that, on account of the pressing concerns of his Government at that time, and from the absence of most of its members more latterly, the answer which he expected, and which had been verbally promised him, has not till this date reached this legation.

In consequence of the despatch mentioned in said note, by which the Mexican Government expresses its opinion, and which is moreover conformable (as declared in it) with the verbal notice given by Mr. McLane; and, in consequence of the offer made at that time by him, he has the honor to inform Mr. Forsyth that he has lately received the full power which he expected from his Government, to proceed to the negotiation of an additional article of the said treaty.

A slight indisposition prevents the undersigned from going to the Federal city as soon as he could wish, in order to deliver to the Hon. John Forsyth in person that which his Government has sent for him, together with the said full power, and to present this document, by means of which he doubts not that he shall be able to destroy the only difficulty now existing against the definitive settlement of the limits between the two countries.

As to the commissioners, the undersigned must inform the Hon. John Forsyth that the persons who were formerly appointed, and of whom the undersigned had the honor to notify this Government in his note of the 2d of December, 1833, having resigned their offices, the Supreme Government of Mexico has appointed in their places Colonel Don Juan Nepomuceno Almonte as commissioner, and Lieutenant Colonel Don Pedro Garcia Conde as mathematician.

The undersigned hopes the Hon. John Forsyth will submit this letter to the President of the United States, and inform the undersigned of his excellency's determination with regard to it, in order that he may take advantage of the packet which is now nearly ready to sail for Vera Cruz, to inform his Government on the subject.

The undersigned, meanwhile, &c.

J. M. CASTILLO Y LANZAS.

Hon. John Forsyth.

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*Mr. Forsyth to Mr. Castillo.*

Department of State,
*Washington, December* 11, 1834.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Castillo, chargé d'affaires of Mexico, dated the 4th instant.

In reply, the undersigned has the honor to inform Mr. Castillo that it is apparent, from the contents of his note, there has been a misapprehension on the subject. The undersigned has therefore now the honor to acquaint Mr. Castillo that, on the 13th of January last, Mr. Butler, the chargé d'affaires of the United States at Mexico, was empowered and instructed to negotiate a second additional article to the treaty of limits between the two countries, for the purpose of extending the time originally fixed for the meeting of the commissioners and surveyors. Mexico was preferred as the seat of the negotiation, because it was deemed desirable to obtain the ratification of the Mexican Government to the article before forwarding it for ratification by this Government. Owing to accident, however, the instruction and power adverted to were not received by Mr. Butler until the first of July last, at which time the Mexican Congress

was not in session. It is understood that it will meet again on the 1st of January next. Mr. Castillo will perceive that, as arrangements have been made by this Government for the negotiation of the additional article at Mexico, and there is reason to conclude that progress has been made, it is inexpedient and unnecessary to enter upon one here for the same object.

The undersigned has the honor to renew to Mr. Castillo the assurances of his most distinguished consideration.

JOHN FORSYTH.

Senor Don J. M. DE CASTILLO Y LANZAS,
*Chargé d'Affaires of Mexico.*

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*Mr. Castillo to Mr. Forsyth.*

[Translation.]

MEXICAN LEGATION,
*Philadelphia, December* 15, 1834.

The undersigned, chargé d'affaires of the United Mexican States, has the honor to acknowledge the receipt of the note of the honorable Secretary of State, Mr. Forsyth, dated the 11th, in answer to his of the 4th instant, and he proceeds to make some observations thereupon, for the purpose of further illustrating the matter in controversy, and to fulfil what may be required in relation thereto by the interests of his country, which, owing to lamentable causes, to which it is unnecessary now to advert, have been disregarded for the few last years.

It appears by the note which the undersigned addressed to Mr. Louis McLane from this city on the 26th of May last, to which he has had the honor to invite the attention of Mr. Forsyth, that the Mexican Government had deemed it expedient, from the beginning of the year now about to end, that the time fixed for the meeting of the commissioners of both parties charged with tracing the boundary line between the two republics should be prolonged, but that no change should be made in the treaty upon the subject, inasmuch as that had the force of law, was a measure to which the Government of the United States had acceded, and to which it consequently ought not to oppose any hinderance.

The undersigned also acquainted Mr. McLane, in the aforesaid note, that his Government promised to send him soon the power necessary to carry into effect that object, and that, as soon as he should receive it, he would communicate it to this Government for the necessary purposes, as he has done, that having been the object of his note to Mr. Forsyth of the 4th instant.

It is inferred from the answer with which the undersigned has been honored, that Mr. Forsyth considers there has been some misapprehension on the subject; because the necessary powers and instructions having been transmitted to Mr. Butler, chargé d'affaires of the United States at Mexico, to negotiate a second additional article to the treaty of limits, and there being reason to believe that some progress had already been made in the negotiation in that country, it could not be necessary or expedient to enter upon a negotiation here for the same object.

Now, the undersigned cannot comprehend how it is, that, as he has already said, the purpose of his Government having been, from the beginning of this year, to carry on the negotiation in this country, the powers and instructions sent by this Government to Mr. Butler for the same object should, nevertheless, be received at a more advanced period, without any remark. And, even supposing that they were, in fact, received in the month of July, as Mr. Forsyth has been pleased to say, it seems to be in the highest degree extraordinary that, subsequently to this, on the 21st of October last, that is to say, nearly four months later, the positive powers and instructions which the undersigned has received within a few days, should have been forwarded to him under the belief that they would not only be promptly recognised by this Government, but that the Secretary of State would see fit to take measures, on his part, to carry into effect the object of the said instrument. With this view, the Minister of Foreign Relations of Mexico has thought proper to enclose a note to the undersigned for the Secretary of State, as has already been stated in the note of the undersigned of the 4th instant, which added that he would have the satisfaction to deliver it in person to Mr. Forsyth so soon as he should have recovered from a slight indisposition with which he was afflicted, and from which he hoped to be free in a few days.

The Mexican Government, in its last communication to the undersigned of the 21st of October of this year, neither mentions that Mr. Butler had presented any power, nor that he had apprized it that he had received such an instrument for the purpose of setting on foot any negotiation upon the subject of an additional article to the treaty of limits; and this, in the opinion of the undersigned, shows still more clearly that that Government has constantly preferred that the negotiation in question should be begun in this country. Certainly then, if, as Mr. Forsyth suspects, the negotiation had already been entered upon with Mr. Butler, there would have been no need of also beginning a negotiation with this Government, (and the Mexican Government would no doubt have so thought;) and, in the event, the instructions and power which the undersigned has received would have been superfluous.

In what, then, can the misapprehension be said to consist? At all events, it appears to be trivial, considering the importance of the business, the final conclusion of which would so greatly contribute to strengthen the relations of friendship and good understanding which exist between the two republics.

In virtue of the last consideration, and inasmuch as it seems palpable enough that no progress has yet been made in the negotiation at Mexico of the article in question, and considering besides, if it be not entered upon now, much time will be lost, the concurrence of the Legislature upon the subject being necessary, and as the present session of Congress, at Washington, will end about the beginning of March, and that of the Chambers at Mexico about the middle of April, no time will therefore be left to correct the misapprehension to which Mr. Forsyth refers, or to conclude as promptly as is desirable the negotiation of the additional article in question.

The undersigned, therefore, can do no less than flatter himself, that in pursuance of the just wish of his Government, and for the purpose of ending an affair which has already been much retarded, the Government of the United States will see proper to allow him to present the full power, which, as has been said, he has received for that object, and will allow the negotiation of the second additional article to be entered upon, which both Governments have deemed it necessary should be added to the treaty of limits, in order that the terms of the article being agreed upon here, and the article ratified with the greatest promptitude at Mexico, the commissioners of both countries may proceed to the demarcation of the boundary, in pursuance of the plan newly stipulated for.

The undersigned trusts that, upon considering the preceding declaration, this Government will not find it inconvenient to comply with the desire he has manifested in the name of his Government; and, cherishing this hope, he has the honor to renew to Mr. Forsyth the assurances of his most distinguished consideration.

J. M. DE CASTILLO Y LANZAS.

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*Mr. Forsyth to Mr. Castillo.*

DEPARTMENT OF STATE,
*Washington, January* 9, 1835.

The undersigned, Secretary of State of the United States, has had the honor to receive the note addressed to him by

Mr. Castillo, chargé d'affaires of the United Mexican States, under date of the 15th ultimo.

Mr. Castillo has already been informed of the wish of the Government of the United States to negotiate at Mexico, for the conclusion of a supplemental article to the treaty of limits; and as the delay which rendered such a negotiation necessary has been caused, though unintentionally, by the Mexican Government, its acquiescence in this course cannot be doubted. A short time, however, may be expected to bring the result of the overture which Mr. Butler was instructed to make, and the undersigned will then have the honor of a further communication with Mr. Castillo on the subject.

The undersigned avails himself of the occasion to renew to Mr. Castillo the assurances of his high consideration.

JOHN FORSYTH.

Sr. Don J. M. De Castillo, &c.

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*Mr. Castillo to Mr. Forsyth.*

[Translation.]

Mexican Legation,
*Washington, January* 12, 1835.

The undersigned, chargé d'affaires of the United Mexican States, had the honor to receive a note from the Secretary of State, dated the 9th instant, which presents materials for new considerations. The undersigned cannot, conformably with his duty, neglect to communicate them to the honorable J. Forsyth, in addition to those already submitted in his former note of the 15th ultimo, to which, although the Secretary of State has not thought proper to reply, he yet hopes have merited his attention, and will insure an opportunity of discussing, during the present session of Congress, the second additional article of the treaty of limits.

It is not to be denied that the Mexican Government, in consequence of the fatal civil dissensions which have convulsed that country, has been unavoidably prevented from attending to the appointment of commissioners, to proceed jointly with those of the United States to the adjustment of the limits; and it is equally certain that the delay which has rendered this negotiation (of the second article) necessary, has been caused, though unintentionally, by the Mexican Government; but it cannot be granted, as a consequence from this, that the Mexican Government without doubt acquiesces, as Mr. Forsyth considers.

The undersigned, in his note of the 26th of May last, had the satisfaction to express to Mr. McLane, then Secretary of State, that his Government, considering this second additional article necessary, would send him, when an opportunity offered, a full power to enter upon this negotiation. But Mr. Butler, the chargé d'affaires of the United States in Mexico, did not receive from his Government the power which it thought proper to transmit to him, according to Mr. Forsyth's note of the 11th of December last, until the 1st of July. This communication, therefore, was made more than a month before the receipt last mentioned; and the order was made out in Mexico and sent to the undersigned two months previous. Consequently, even supposing that Mr. Butler had, immediately on receiving his full power, communicated it to the Mexican Government, nothing could have been done in prosecution of the affair then; as it is clear that the (Mexican) Government would have declared to him the impropriety of beginning a negotiation there for the carrying on of which in this country it had taken the necessary steps.

This reasoning appears in every point of view clear and convincing. But, moreover, from the tenor of the communications lately received from his Government, which come down to the 26th of November, Mr. Butler had not to that date given any notice to the Mexican Government of his possessing such a power. With how much more reason, therefore, can that Government now insist upon the negotiations being carried on here.

Upon the whole, the undersigned considers that a result cannot be expected here in as short a time as the honorable J. Forsyth perhaps supposes; and that it is to be feared that a negotiation may yet be delayed which is so important from its very nature, and which, from the ulterior effects, should be terminated as soon as possible. For this delay no blame can be attached to the Mexican Government: it has shown the most lively interest in a prompt conclusion of the affair, considering it favorable for both republics, and likely to conduce to the preservation of harmony between them; and the undersigned has given good reasons for the prosecution of the negotiation immediately in this country, conforming with the instructions received from his Government on the subject.

The undersigned renews to the honorable J. Forsyth, &c. J. M. DE CASTILLO Y LANZAS.

To the Hon. John Forsyth,
*Secretary of State.*

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*Mr. Castillo to Mr. Forsyth.*

[Translation.]

Mexican Legation,
*Philadelphia, April* 29, 1835.

The undersigned, chargé d'affaires of the United Mexican States, complying willingly with the instructions on the subject received from his Government, has the honor to inform the honorable John Forsyth, Secretary of State of these United States, that the President of the United Mexican States, being anxious that the meeting of the commissioners who are to fix the line of separation between the two republics should take place as soon as possible, and in virtue of the authorization for such negotiation conferred upon Mr. Butler, the chargé d'affaires of this Government in Mexico has thought proper to invest the Secretaries of State and of the Treasury of the United Mexican States with full powers to that effect, withdrawing from the undersigned the full powers and instructions which had been conferred upon him to act in the said negotiation.

The undersigned has the honor to renew to Mr. John Forsyth the assurances of his very distinguished consideration. J. M. DE CASTILLO Y LANZAS.

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*Mr. Dickins to Mr. Castillo.*

Department of State,
*Washington, May* 11, 1835.

The undersigned, acting Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Castillo, chargé d'affaires of the United Mexican States, dated the 29th ultimo, announcing the withdrawal by his Government of the power with which he had been invested to negotiate a second supplementary article to the treaty of limits between the two countries. This announcement of course renders unnecessary a reply on the part of this Department to Mr. Castillo's note of the 12th of January last.

The undersigned has the honor to tender to Mr. Castillo the assurances of his high consideration.

ASBURY DICKINS.

Senor Don J. M. Castillo y Lanzas, &c.

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*Mr. Castillo to Mr. Dickins.*

[Translation.]

Mexican Legation,
*Philadelphia, June* 2, 1835.

The undersigned, chargé d'affaires of the United Mexican States, in fulfilment of an order of his Government,

has the honor to inform the honorable Mr. Asbury Dickins, Secretary of State of the United States ad interim, that the necessary formalities having been entered into at Mexico for the conclusion of the additional article to the treaty of limits between the two republics, for the purpose of extending the time for the meeting of the commissioners of the two nations who are to trace the boundary, and the article to which the representatives, duly authorized, of the respective parties, again agreed, having been submitted to the General Congress of those States, has deserved the approbation of that body. The tenor of the article referred to is according to the copy herewith enclosed.

The undersigned avails himself of the occasion of transmitting it to the Department of State, for the information of the President, to renew to Mr. Dickins the assurances of his very distinguished consideration.

J. M. DE CASTILLO Y LANZAS.

Hon. Mr. Asbury Dickins, &c.

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[Translation.]

A treaty having been concluded and signed in the city of Mexico on the 12th day of the month of January, 1828, between the United Mexican States and the United States of the North, for the purpose of establishing a true dividing line and the limits between the two nations, and it having been stipulated in the third article of the said treaty as follows: "To fix this line with more precision, and to place the land-marks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a commissioner and a surveyor, who shall meet before the termination of one year from the date of the ratification of this treaty, at Natchitoches, on the Red river, and proceed to run and mark the said line from the mouth of the Sabine to the Red river, and from the Red river to the river Arkansas, in conformity to what is agreed upon and stipulated, and the line of latitude of 42° to the South Sea. They shall make out plans and keep journals of their proceedings; and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary." And the ratifications of the said treaty having been exchanged in the city of Washington on the 5th day of the month of April, in the year of our Lord 1832, the contracting parties having been prevented by various causes from complying with the stipulations agreed upon in the said third article, the time within which it was to be executed having expired, and both republics desiring that the said treaty should be complied with in every respect, by going through with all the necessary forms, the President of the United Mexican States has invested with full powers for that purpose, Don José Maria Gutierrez de Estrado, Secretary of State of the Department of Interior and Foreign Relations, and Don José Mariano Blasco, Secretary of State of the Department of the Treasury, and the President of the United States of the North, the honorable Mr. Anthony Butler, chargé d' affaires of that republic in Mexico; and the plenipotentiaries referred to, after having exchanged their full powers, which were found to be in good and proper form, have agreed and do agree to the following second additional article.

The term for the appointment of commissioners and surveyors charged by the Governments of Mexico and Washington to settle with more precision the boundary line, and to establish land-marks to designate with greater accuracy the boundaries of the two nations, and which was prescribed by the third article of the treaty of limits, concluded and formed at Mexico on the 12th day of the month of January, 1828, and the ratifications of which were exchanged in the city of Washington on the 5th day of the month of April, 1832, shall be extended to the period of one year, to be reckoned from the date of the exchange of the ratifications of the present additional article. The present second additional article shall have the same force and effect as if it had been inserted word for word in the aforesaid treaty of the 12th of January, 1828, and shall be approved and ratified in the manner prescribed by the constitutions of the respective States.

In faith of which the said plenipotentiaries have hereunto set their hands and affixed their respective seals.

Done at Mexico the third day of the month of April, one thousand eight huudred and thirty-five, the fifteenth of the independence of the United Mexican States, and the fifty-ninth of that of the United States of America.

J. M. GUTIERREZ DE ESTRADA,
A. BUTLER,
JOSE MARIANO BLASCO.

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*Mr. Dickins to Mr. Castillo.*

Department of State,
*Washington, June* 4, 1835.

The undersigned, acting Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Castillo, chargé d'affaires of the United Mexican States, dated the 2d instant, stating that a second additional article to the treaty of limits had been agreed upon by the negotiators at Mexico, had been submitted to the Mexican Congress, and that he enclosed a copy of it for the information of the President. The undersigned has the honor to state that the transcript referred to was not received with Mr. Castillo's note, it having doubtless been left out by accident. A copy of the article would be highly acceptable, as no intelligence has yet been received from Mr. Butler of the conclusion of the negotiation.

The undersigned has the honor to offer Mr. Castillo renewed assurances of his distinguished consideration.

ASBURY DICKINS.

Senor Don J. M. de Castillo y Lanzas, &c.

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*Mr. Castillo to Mr. Dickins.*

[Translation.]

Mexican Legation,
*Philadelphia, June* 6, 1835.

The undersigned, chargé d'affaires of the United Mexican States, has the honor to acknowledge the receipt of the note of Mr. Asbury Dickins, acting Secretary of State of the United States, in answer to the note of the undersigned of the 2d instant; and with reference thereto has to state, that although the copy therein referred to of the additional article to the treaty of limits between the two republics did not accompany that communication, as it was sent separately to the Department of State, it is to be supposed that if Mr. Dickins did not receive it in due time, it would reach him shortly afterwards, still, to obviate any accidental miscarriage to which that paper may have been subjected, the undersigned herewith encloses a duplicate of the copy adverted to, and has the honor at the same time to renew to Mr. Dickins the assurances of his very distinguished consideration.

J. M. DE CASTILLO Y LANZAS.

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*Mr. Castillo to Mr. Forsyth.*

[Translation.]

Legation of Mexico,
*Philadelphia, July* 10, 1835.

The undersigned, chargé d'affaires of the United States of Mexico, has the honor to inform the Hon. J. Forsyth, Secretary of State of the United States of America, that

since the despatch of his notes of the 5th and 6th ultimo, he has received another communication from the Government of Mexico relative to the same affair, viz: the second additional article to the treaty of limits between the two republics, approved by the Legislature of that country, and ratified by the Executive. In that communication the said Government, desiring that this important business should be concluded as soon as possible, has appointed and properly authorized the undersigned to proceed as plenipotentiary, to every thing which may be requisite for the exchange of ratifications.

In virtue of this, the undersigned hopes that Mr. Forsyth will be pleased to inform him whether he is equally disposed to proceed to the exchange of ratifications referred to, in such a manner that all which is necessary may be done as soon as the Congress of this Union commences its next session.

The undersigned avails himself, &c.

J. M. CASTILLO Y LANZAS.

To the Hon. JOHN FORSYTH,
*Secretary of State.*

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*Mr. Forsyth to Mr. Castillo.*

DEPARTMENT OF STATE,
*Washington, July* 21, 1835.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Castillo, chargé d'affaires of the United Mexican States, dated the 10th instant, stating that he had been authorized to exchange the ratification by his Government of the second additional article to the treaty of limits between the two countries, and requesting to be informed as to the disposition of the undersigned to proceed to the exchange of the ratification on the part of the United States.

Mr. Castillo is aware that, by the constitution of the United States, the President is authorized to ratify a treaty, or to exchange his ratification against that of a foreign Power, only with the advice and consent of the Senate. When, therefore, the Senate shall have given its advice and consent to the ratification of the second additional article to the treaty of limits between the United States and the United Mexican States, Mr. Castillo will be duly apprized.

The undersigned has the honor to tender to Mr. Castillo renewed assurances of his distinguished consideration.

JOHN FORSYTH.

Sor. Don J. M. CASTILLO Y LANZAS, &c.

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*Mr. Forsyth to Mr. Castillo.—Extract.*

DEPARTMENT OF STATE,
*Washington, February* 1, 1836.

* * * *

The undersigned has, however, further to acquaint Mr. Castillo that the Senate has advised and consented to the ratification of the convention for a second additional article to the treaty of limits between the United States and the Mexican republic, concluded at Mexico on the 3d of April last. The convention will forthwith be ratified by the President, and the undersigned will be ready to exchange the ratifications of the United States against that of the Mexican republic whenever Mr. Castillo presents himself for that purpose at the Department of State.

The undersigned embraces the opportunity to offer Mr. Castillo renewed assurances of his great consideration.

JOHN FORSYTH.

Señor Don J. M. DE CASTILLO Y LANZAS, &c.

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*Mr. Gorostiza to Mr. Forsyth.*

[Translation.]

WASHINGTON, *March* 28, 1836.

The undersigned, envoy extraordinary and minister plenipotentiary of the Mexican republic, has the honor to inform the honorable John Forsyth, Secretary of State of the United States, that his Government had also remarked the same ambiguity (*equivocacion*) which Mr. Forsyth observed in the terms of the second additional article of the treaty of January 12, 1828, in both languages, as Sr. Castillo, the chargé d'affaires of Mexico had immediately indicated; and that it had, in consequence, also seen the necessity of rectifying the ambiguity, in order that the stipulation in question might answer the purpose which its negotiation must have proposed, and did, indeed, propose in making it.

The undersigned, therefore, received from his Government, before he left Mexico, instructions and the proper authorities for negotiating and confirming any species of convention which might render clear the true object of the said additional second article of the 3d of April last, whenever the American Government should appoint and authorize to that effect another plenipotentiary, and means should be found to give to the convention in question the same force and value which the additional article acquired by the exchange of the respective ratifications, and the sanction of the Legislatures of each country, which were necessary before that could be effected.

The undersigned is, for this reason, anxious to know the opinion of the honorable John Forsyth on the subject, and is ready to adopt the mode which he may consider most likely to conduce to the ends proposed.

But, as it may not be easy to find another mode of giving to the convention indicated the requisite force and value than by submitting it to the same legislative sanction, and as it would, in that event, be preferable to leave the stipulation by itself, in a separate instrument, if no other means can be found to shorten the negotiation, the undersigned has the satisfaction to announce to the honorable John Forsyth that his Government, foreseeing the possibility of such a state of things, had, moreover, conferred upon him full special powers to sign a new second additional article in place of that of the 3d of April, and by the terms of which the period mentioned in the third article of the treaty of limits, for the meeting of commissioners and surveyors at Natchitoches, may be extended another year. If this should be agreed on, and the American Senate, before the conclusion of the present session, should give its advice and consent to the ratification of the new article by the President of the United States immediately, the undersigned promises to send it without delay to Mexico, by one of his secretaries, in order that the Congress, which will certainly meet there forthwith, as a constituent body, may sanction it accordingly.

The undersigned, envoy extraordinary and minister plenipotentiary of the Mexican republic, avails himself with pleasure of this opportunity to offer to the honorable John Forsyth, Secretary of State of these United States, the assurances of his distinguished consideration.

M. E. DE GOROSTIZA.

To the Hon. J. FORSYTH,
*Secretary of State.*

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*Mr. Forsyth to Mr. Gorostiza.*

DEPARTMENT OF STATE, *April* 1, 1836.

The undersigned, Secretary of State of the United States, has had the honor to receive the note of Mr. Gorostiza, envoy extraordinary and minister plenipotentiary of the Mexican republic, dated the 28th ultimo, proposing a new negotiation for the purpose of more clearly defining the object of the convention between the United States and the Mexican republic of the third of April last.

The second additional article to the treaty of limits, although not so comprehensive in its terms as was desirable, was laid before the Senate by the President, in the belief

that, as the third article of the treaty had ceased to be of any force or effect, in consequence of the expiration of the time within which its stipulations were to have been fully carried into execution, and as it was the intention of both parties to provide, by the second additional article for effecting the same object as was provided for by the third article, the stipulation for the appointment of commissioners and surveyors to run and mark the boundary line between the two countries, should be construed to impose the obligation on the commissioners and surveyors to meet within the time prescribed by the third article. It is presumed that the Senate acted under the same belief in giving its advice and consent to the ratification of the second additional article.

If this view be correct, to prevent the possibility of misconception in giving full effect to the intention of the parties, it will be sufficient for their respective agents, at the time of the exchange of the ratifications of the second additional article, to mark, by a joint explanatory note, the explicit understanding of the two Governments. Should Mr. Gorostiza concur in this opinion, and find himself authorized to adopt that course, the undersigned is instructed to agree with him upon the necessary arrangements.

The undersigned embraces this opportunity to renew to Mr. Gorostiza the assurances of his most distinguished consideration. JOHN FORSYTH.

Senor Don M. E. de Gorostiza.
*Envoy Extraordinary, &c.*

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*Mr. Gorostiza to Mr. Forsyth.*

[Translation.]

Washington, *April* 4, 1836.

The undersigned, envoy extraordinary and minister plenipotentiary of the Mexican republic, has received the note addressed to him on the 1st instant, by the honorable John Forsyth, Secretary of State of these United States, and has thereby seen it to be the opinion of Mr. Forsyth that, in order to define completely the true object of the second additional article of the 3d of April, 1835, it will be sufficient that the respective plenipotentiaries, on exchanging its ratifications, should at the same time exchange a declaration signed by themselves, and to be annexed to the said additional article, in which is to be explained the real object proposed by the Governments, when they agreed in considering the said provision necessary.

The undersigned would undoubtedly have preferred, as being the simplest mode, that another second additional article should be drawn up, as the most essential part of what it was desired to stipulate had been omitted in that of the 3d of April, and in order that the most important proceeding should again receive the sanction of the Legislature of each country. And if it should not appear convenient to annul, at the present time, a convention which had already been considered worthy of the assent of the American Senate, the undersigned would have preferred, even in this case, to negotiate and sign an additional article to the treaty of 1828 itself, merely stipulating the meeting of the commissioners and surveyors at Natchitoches within the same period of one year. This latter expedient would, if adopted, in the opinion of the undersigned, have prevented any difficulty in future, especially as the ratifications of the two articles might in all probability have been exchanged in Washington, at the same time and by the same persons in less than four months.

This, however, does not prevent the undersigned from being ready, as he indeed is, to pursue the plan indicated by Mr. Forsyth in his said note, as the undersigned cannot but acknowledge and confess, after all, that a declaration, signed by both plenipotentiaries, duly authorized to that effect, explaining an omission observed in the text of the principal agreement, intended to be forever annexed to that agreement, to be exchanged with it and printed and published with it, must necessarily, from the union of all these circumstances, acquire the same legal force, and in consequence partake of all the guaranties of that agreement. Should Mr. Forsyth coincide with this view of the case, the undersigned repeats that there can be no impropriety in signing such a declaration, and in thus concluding (*redondeando*) the pending negotiation.

One difficulty, and one only presents itself, which at first sight seems to be of some importance, in case it should be wished to follow the plan proposed by Mr. Forsyth to the letter; it arises from the circumstance that in neither of the powers received by the undersigned from his Government, (of which copies are herewith sent,) is any *explicit* faculty conferred upon him to exchange the ratifications of the second additional article of the 3d of April, doubtless because it was not supposed at Mexico that there would be any need of such authorization, after the defects of the article had been observed. Hence it may be necessary to adopt some other means; for instance, that the exchange of the second additional article should be made by Mr. Castillo, who has a former full power to that effect, and that the undersigned should afterwards exchange the declaration. The undersigned however conceives that, being authorized by his general powers "to promote by every legal means the settlement (*arreglo*) of the affairs which occasioned his extraordinary mission," he is also authorized to exchange the said ratifications, inasmuch as the settlement and termination of this affair is one of the express and determined objects of his said mission.

The undersigned flatters himself that Mr. Forsyth will coincide with him in his views, and hopes that they may both proceed to draw up and sign the declaration in question, at any day and hour which Mr. Forsyth may designate.

The undersigned has the honor to renew to Mr. Forsyth the assurances of his most distinguished consideration.

M. E. DE GOROSTIZA.

To the Hon. John Forsyth,
*Secretary of State of the United States.*

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*Copy of the general powers of Señor Gorostiza.*

[Translation.]

Miguel Barragan, President ad interim of the Mexican republic. To all to whom these presents shall come, greeting:

Considering it necessary for the interests of the nation to accredit near the Government of the United States of America a diplomatic agent of a rank higher than that held by the one now in Washington, and it being important to choose for that purpose one who should combine talents, patriotism, honesty, and zeal for the prosperity of the republic; therefore, having found in Don Manuel Eduardo de Gorostiza all those admirable qualities, I have thought proper, in the exercise of my powers, and having received the assent of the General Congress, to appoint him envoy extraordinary and minister plenipotentiary near the said Government, giving and conferring upon him, to that effect, full powers to promote, by every legal means, the settlement of the affairs which occasioned his extraordinary mission. I, therefore, request and recommend his excellency the President of the United States of America to receive and admit the said Don Manuel Eduardo de Gorostiza as envoy extraordinary and minister plenipotentiary of Mexico, giving entire faith to all which he may advance, granting him the requisite assistance, and disposing that he be acknowledged in his quality, I on my part offering to reciprocate.

Given at the Palace of Mexico, signed by my hand, authenticated by the national seal, and countersigned by the chief officer charged with the Department of Internal and Foreign Relations, on the nineteenth day of the month of

January, eighteen hundred and thirty-six, the sixteenth year of the independence of the republic.

[L. S.] M. BARRAGAN.
JOSE MARIA ORTIZ MONASTERIO.

A true copy. Washington, April 4, 1836.
JUAN E. GAMBOA.
*Secretary of the Legation.*

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*Copy of the special powers of Señor Gorostiza.*

[Translation.]

Miguel Barragan, President ad interim of the Mexican Republic. To all to whom these presents shall come, greeting:

As it may perhaps be necessary to conclude a new second article, additional to the third of the treaty of limits of 1832, between this republic and the United States of America, in case that which was signed in this capital on the 3d of April of last year should not be considered sufficient, and as it is desirable to remove every obstacle which might retard the demarcation of the diving line between the two nations, I have thought proper to confer, and by these presents I do confer, full powers upon Don Manuel Eduardo de Gorostiza, envoy extraordinary from this republic near the Government of Washington, to agree with that Government, in all due form, upon a new period for the meeting of the commissioners and surveyors of the two countries at Natchitoches, in order to fix the limits of the same, inasmuch as the time fixed by the said third article of the treaty of limits of 1832 for the said meeting has expired.

In faith whereof, I have caused these presents to be issued, signed by my hand, authenticated by the national seal, and countersigned by the first chief officer charged with the Department of Internal and Foreign Relations, on the twenty-sixth day of the month of January, in the year eighteen hundred and thirty-six, the sixteenth of the independence of the republic.

M. BARRAGAN.
JOSE MA. ORTIZ MONASTERIO.

Washington, April 4, 1836. A true copy.
JUAN E. GAMBOA,
*Secretary of Legation.*

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*Mr. Forsyth to Mr. Gorostiza.*

DEPARTMENT OF STATE,
*Washington, April* 13, 1836.

The undersigned, Secretary of State of the United States, has had the honor to receive and lay before the President the note of Mr. Gorostiza, envoy extraordinary and minister plenipotentiary of Mexico, dated the 4th, in reply to the communication of the undersigned of the 1st instant.

The undersigned has been instructed to state, in answer, that the plenary powers of Mr. Gorostiza, copies of which accompanied his note, are not considered sufficient to authorize him to act as the agent of the Mexican republic in exchanging the ratifications of the convention of the 3d of April, 1835. It is therefore expected that Mr. Gorostiza will invite Mr. Castillo to this city for that purpose, for which he has been specially empowered. Mr. Gorostiza's powers, however, are considered sufficient to authorize him to join the undersigned in the explanatory note suggested in his communication of the 1st instant, and it will be agreeable for the undersigned to meet Mr. Gorostiza at the office of this Department at one o'clock to-morrow, when the necessary arrangements may be made.

Perhaps it is proper for the undersigned to add, that if the declaration were to be cumulative as well as explanatory, it might be essential to promulgate it in the same manner as the convention to which it relates. But, as the object of the joint note is merely to prevent misconception as to the intention of the two Governments in agreeing to the second additional article, any publication is unnecessary; it being sufficient that the joint note should remain in the archives of the two Governments.

The undersigned avails himself of the occasion to renew to Mr. Gorostiza the assurances of his most distinguished consideration.

JOHN FORSYTH.

His Ex. Sor. Don M. E. DE GOROSTIZA, &c.

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*Mr. Gorostiza to Mr. Forsyth.*

[Translation.]

Manuel E. de Gorostiza has the honor to present his respects to the honorable John Forsyth, and to inform him at the said time, that M. Castillo has this day arrived at this capital, for the purpose of exchanging the ratifications of the second additional article of the treaty of limits, conformably with what has been lately agreed on between Mr. Forsyth and M. E. de Gorostiza.

M. E. de Gorostiza likewise requests Mr. Forsyth to have the kindness to name a day for the said exchange, as well as for the declaration which is previously to explain the true object and meaning of the article in question.

WASHINGTON, *April* 18, 1836.

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*Mr. Forsyth to Mr. Gorostiza.*

DEPARTMENT OF STATE, *April* 18, 1836.

Mr. Forsyth presents his compliments to Mr. Gorostiza, and has the honor to inform him, in answer to his note of this date, that on Wednesday next, at two o'clock, he will be happy to see Mr. Gorostiza and Mr. Castillo at the office of this Department, for the purpose of executing the declaration and exchanging the ratifications of the convention for a second additional article to the treaty of limits.

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DECLARATION.

The exchange of the ratifications of the convention concluded on the 3d of April, 1835, for a second additional article to the treaty of limits between the United States of America and the United Mexican States, being this day to be made by John Forsyth, Secretary of State of the United States, and J. M. de Castillo y Lanzas, chargé d'affaires of the Mexican republic to the United States, and Don Manuel Eduardo de Gorostiza, envoy extraordinary and minister plenipotentiary of the Mexican republic to the United States, having full power from his Government to negotiate any addition that might be thought necessary to carry into full effect the intention of the parties, if the terms of the said second additional article were not sufficiently comprehensive and explicit, on a full, official, and unreserved conference between the said Secretary of State and the said envoy extraordinary and minister plenipotentiary, it has been found that both Governments coincide in putting the same construction on the said second additional article, giving to it all the force and effect of the third article of the said treaty of limits, and that, therefore, no addition is necessary. Nevertheless, as the said second additional article is not clearly expressed, although the intention is not doubtful, to prevent the possibility of misconception in giving full effect to the intention of the parties, it is thought expedient that the said Secretary of State and the said envoy extraordinary and minister plenipotentiary should declare, and they do declare in behalf of their respective Governments, that the stipulations in the said second additional article, for the appointment of commissioners and surveyors to run and mark the boundary line between the two countries, is expressly understood, and is to be construed, to impose the obligation on the commissioners and surveyors to meet within the time, and at the place, prescribed by the said third article of the treaty of limits, namely, at Natchitoches, and within

one year from this date, and to proceed to carry into full effect the stipulations of the said third article.

In testimony whereof, this instrument is executed in duplicate, and is mutually delivered prior to the exchange of the ratifications of the convention for a second additional article to the treaty of limits, duly ratified by our respective Governments.

Done at Washington, this twentieth day of April, one thousand eight hundred and thirty-six.

JOHN FORSYTH, [L. S.]
*Sec. of State U. S. A.*
MA. E. DE GOROSTIZA. [L. S.]

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## TOBACCO TRADE.

*Message from the President of the United States, transmitting a report of the Secretary of State, in obedience to a resolution of the House of Representatives of the 19th ultimo, upon the subject of the tobacco trade. October 3, 1837, read, and laid upon the table.*

*To the House of Representatives of the United States:*

I transmit to the House of Representatives a report of the Secretary of State, containing the information requested by their resolution of the 19th instant, together with the documents by which the report was accompanied.

M. VAN BUREN.

Washington, *September* 30, 1837.

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Department of State,
*Washington, Sept.* 29, 1837.

*To the President of the United States:*

The Secretary of State, to whom was referred a resolution of the House of Representatives of the 19th instant, requesting the President to communicate to that House what measures have been adopted since the adjournment of the last Congress in relation to the tobacco trade between the United States and foreign countries; also, such information as he may have received from our ministers or other agents abroad in relation to the same, has the honor to report that, since the adjournment of the last Congress, instructions have been given to the diplomatic representatives of this country at the Courts of Great Britain, France, Russia, Prussia, Sweden, Denmark, Holland, and Belgium, directing them to endeavor to procure from the respective Governments to which they are accredited the abolition or modification of the existing duties and restrictions upon tobacco imported from the United States; and that special agents have been appointed to collect information respecting the importation, the cultivation, the manufacture, and consumption of tobacco in the various states of Germany, to which the United States have not accredited representatives, and to prepare the way for negotiations for the promotion of the interests of the tobacco trade with those countries. A copy of the despatches of the representatives of the United States, received upon this subject, is herewith communicated.

The special agents have proceeded in the execution of their duties, but no report has, as yet, been received from either of them.

All which is respectfully submitted.

JOHN FORSYTH.

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*List of accompanying papers.*

No. 1. Mr. Wheaton to Mr. Forsyth, (extract,) 30th April, 1837.

No. 2. Mr. Wheaton to Mr. Forsyth, (copy,) 20th July, 1837.

No. 3. Davezac to Mr. Forsyth, (extract,) 25th July, 1837.

No. 4. Mr. Stevenson to Mr. Forsyth, (extract,) 29th June, 1837.

No. 5. Mr. Anderson to Mr. Forsyth, (extract,) 5th August, 1837.

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*Mr. Wheaton to Mr. Forsyth.—Extracts.*

Berlin, *April* 30, 1837.

Sir: I had the honor this day to receive your despatch No. 11, under date of the 25th of March.

Your previous despatches to No. 10, inclusive, have also been duly received.

With the despatch No 11 were received—

* * * * * *

5. Printed report of the select committee of the House of Representatives on the duties and restrictions imposed by foreign Governments on American tobacco.

On this last subject, I have already anticipated your instructions as to collecting information respecting the tobacco trade of Germany, by correspondence with our different consuls, and by inquiries made in the journeys performed by me through the different states associated in the commercial union, during the summers of 1835 and 1836. I shall continue these researches with the same view, and shall be ready to execute your further instructions on this important subject to the best of my ability.

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I have the honor to be, with the highest consideration, sir, your obedient servant,

HENRY WHEATON.

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*Mr. Wheaton to Mr. Forsyth.*

Aix la Chapelle, *July* 20, 1837.

Sir: My letters of credence as envoy to the King of Prussia having reached me after the decease of the late Minister of Foreign Affairs, Mr. Ancillon, I could not, according to the etiquette observed at this Court, be presented to his Majesty until the appointment of a new minister. The Baron de Werther, Prussian envoy at Paris, was at last named to succeed the last minister, but did not arrive at Berlin until the 10th of June, nor did he take on himself the direction of the affairs of the department until a fortnight after his arrival. After he had assumed the direction, Mr. de Werther intimated to me that, as the King was then occupied with the preparations for his journey to Joeplitz, where his Majesty takes the baths annually at this season, it would be more convenient to receive me after his return to the capital in August.

Under these circumstances, and especially as Mr. de Werther was to accompany the King to Joeplitz, I thought I could not better employ the interval than by making a journey to the Prussian, Westphalian, and Rhine provinces with a view to complete my former examination of their commercial resources, especially with respect to the question of the *tobacco duties*, (to which my attention had been specially directed by your last despatch,) and the natural and artificial communications by which the states of Germany associated in the commercial union are connected with the North sea, and channels are opened for our commerce, in common with that of other nations, through the ports of Belgium and Holland, into the interior of the continent.

With this view I proceeded from Berlin, (leaving Mr. Fay in charge of the current affairs of the legation,) through the province of Brandenburg, which I had not before explored, crossing the Elbe at Magdeburg, to Cassel, the capital of electoral Hesse. In passing through the province of Brandenburg, and a part of the province of Saxony, (dismembered from royal Saxony in 1815,) I found the native tobacco very extensively cultivated. The quantity of land planted with tobacco in the province of

Brandenburg, in 1827, was computed at 16,968 *morgen*, the whole produce of which was 61,220 centner. In 1834, the land planted with tobacco in that province had increased to 21,000 *morgen*. The entire production of the provinces of Brandenburg and Pomerania amounted, ten years ago, to 173,045 *centner*, being two thirds of the tobacco produced in all the Prussian dominions. It has probably increased very considerably since, under the protection of the duty imposed on foreign tobacco.

The discriminating duty on foreign *manufactured* tobacco encourages the home fabrication, which has been very considerably increased since it ceased to be a state monopoly, which was abolished by the law of 1828.

The duty on all foreign tobacco encourages the cultivation of native tobacco in Prussia, and the other countries of Germany associated with her in the commercial union. But the native tobacco does not escape taxation. It is subjected to an excise duty, which is assessed and collected *per morgen*, varying in the rate according to the estimated quality of the land.

Previous to the establishment of the commercial union, there was no excise on native tobacco in Hesse Cassel, Bavaria, and Wertemberg. For some time after the union, native tobacco, imported from those states into others of the union, was subject to a duty of two-thirds of a thaler per *centner*; but now the system is rendered uniform. The planter must make a declaration before the 1st July, annually, stating the situation and size of the field he intends to plant, which is then inspected and classed according to its fertility and estimated product

The first class pays 5½ thalers per morgen.

The second class pays 4 4–12 thalers per morgen.

The third class pays 3¾ thalers per morgen.

The fourth class pays 2¾ thalers per morgen.

I have already sufficiently explained in my former communications to the Department how the nominal duty on foreign raw tobacco of five and a half thalers per centner is augmented in effect, so as to amount from forty-six to ninety-six per centum on the original value, (i. e. cost,) according to the different qualities of the commodity. On *stems* it amounts to much more. I have also stated how the duty operates unfavorably on North American tobacco, for want of a discrimination between it and West Indian tobacco, which costs four or five times more.

The proportion of North American tobacco which is *mixed* in Prussia with the miserable inland weed is about one-fifth. In other parts, where less native tobacco is grown, the proportion must be greater, perhaps *one-fourth*.

We have, therefore, certainly reason to complain of the duty imposed on our tobacco in Germany.

Upon consulting our consuls, and other well-informed persons engaged in trade, I find some diversity of opinion upon the utility and practicability of obtaining a reduction of this duty, at least without offering some equivalent reduction of duties on German commodities imported into the United States.

The majority of practical men to whom I have addressed questions on this subject, are of opinion that the first cost of North American tobacco is so low that the consumption would not be materially increased by any reduction of duty to which the Prussian Government would probably consent; and that the difficulty of procuring any such reduction must be very much enhanced by the fact of the tariff of duties for the commercial union having undergone revision so recently as during the last year. They suppose that Prussia, having encountered so much opposition in securing an arrangement of the duties favorable to the encouragement of her own domestic industry, would not readily yield any protective duty in favor of her own produce. It is acknowledged that the other members of the union might be more easily induced to consent to a reduction in which they have a less financial interest; but inasmuch as the present tariff was settled by the Congress held last year at Munich for the period of three years, including 1837, 1838, 1839, it would be difficult to obtain the consent of all the associated states to disturb that settlement, unless as the result of a negotiation stipulating adequate equivalents. In Prussia the revenue is so nicely adjusted to the expenditure, that the bare possibility of loss on a reduction in any branch would be an almost insurmountable obstacle to any change, especially as she has already been a very considerable loser in the receipts from the customs, whilst all the other states of the union have gained in the pro rata distribution of the nett revenues, the expenses of collection being greatly diminished by the abolition of all the intermediate custom-house barriers.

It is also urged that a very large proportion of all the tobacco produced in the United States is actually consumed in the states of Germany included in the commercial union, which also affords great facility for the transit trade in that article for the supply of the Austrian dominions and other countries to the east.

It is added that the duty imposed by the Prussian tariff on tobacco is vastly less than that imposed on the same article in Great Britain, France, and Austria, in all which countries it is a principal object of revenue, and in the two last a Government monopoly.

These considerations certainly present serious obstacles to the proposed negotiation, but not such as ought to induce us to abandon the attempt, or perhaps to despair of ultimate success.

HENRY WHEATON.

The Secretary of State.

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*Mr. Davezac to Mr. Forsyth.—Extract.*

Legation of the U. S. A. to the Netherlands,
*The Hague, July* 25, 1837.

Sir: I have the honor to acknowledge your despatch of June 5th last, together with the report of a select committee of the House of Representatives, in relation to the high foreign duties imposed on tobacco, the produce of the United States. I will hasten, as directed, to obtain and to transmit to the Department all the information on the subject which I may think of interest to the Government. If I discover, either in the tariff or customs regulations of this kingdom, any enactment bearing on our tobacco trade more heavily than on that of other nations, or in any way practically injurious to our citizens, you may be assured that I will, without further instruction, use my best efforts to procure their modification.

AUGUSTE DAVEZAC.

John Forsyth, Esq.,
*Secretary of State of the U. S. of America.*

No. 30.

*Mr. Stevenson to Mr. Forsyth.—Extract.*

Legation of the United States,
*London, June* 29, 1837.

Sir: I have the honor to acknowledge the receipt of your despatch "number 20," under date of the 11th May, transmitting the report of the select committee of the House of Representatives upon the subject of our tobacco trade with foreign nations. I will avail myself of every favorable opportunity of fulfilling the wishes of the President, and pressing the subject on the early and earnest attention of the British Government. It is proper, however, to state that, before the receipt of your communication, I had anticipated the measures taken in Congress, and moved in the business.

Knowing the value and importance of this trade to almost all classes of our citizens, I availed myself of the opportunity afforded by the application of the merchants and

manufacturers of Liverpool, and other large towns in England, for a reduction of the duty, to second these efforts, and urge upon the ministry the impolicy of the existing system upon the interests as well of Great Britain as of the United States.

As I was not authorized to discuss, officially, the subject, I contented myself with such unofficial reprepresentations as I felt justified in making, and which I thought calculated to do good. I regret, however, to say that nothing was done.

In several interviews with the Chancellor of the Exchequer and the president of the board of trade, I found they were unwilling to propose any change to Parliament, at least for the present year. Whatever their opinions were as to the beneficial effects that were likely to result from a reduction of the present high duty, it is quite evident that they were not willing to hazard the loss to the revenue of a million, the first year, for the supposed future benefit which had been relied on to justify the change.

Nothing will be done until the new Parliament assembles in the fall, when the subject will, no doubt, again be brought forward by the merchants and manufacturers, and pressed upon the Government.

I shall in the mean time not relax my efforts; and if I find it expedient, I will, in the course of the summer, present to Lord Palmerston an official communication on the subject, so as to enable the ministry, if they are disposed to make any recommendation to Parliament, to do it early in the session, and, at the same time, place them in possession of the views and wishes of our Government on the subject.

I have no reason, however, to flatter myself with the expectation that the result will be favorable, at least for the present.

I am, sir, very respectfully, your obedient servant,

A. STEVENSON.

John Forsyth, Esq.,
*Secretary of State.*

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*Mr. Anderson to Mr. Forsyth.—Extract.*

Paris, *August* 5, 1837.

A favorable opportunity presenting itself in the course of our conversation for introducing the subject of your despatch No. 11, I intimated to him the wishes of the United States, and expressed a confident hope that the liberal spirit of his Majesty's Government, and a sense of the mutual interests of the United States and France, would lead to a modification of the system under which tobacco was admitted into this country. While he did not defend the Régie on the score of advantage, and admitted expressly that he was personally a friend to the liberty of commerce, he did not give me reason to think that any modification of the French system was possible.

I am, sir, very respectfully, your obedient servant,

CHARLES E. ANDERSON.

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## SOUTH SEA EXPLORING SQUADRON.

*Letter from the Secretary of the Navy, transmitting the information required by a resolution of the House of Representatives of the 4th instant, in relation to the detention of the sailing of the exploring squadron, &c. October* 13, 1837. *Read, and laid upon the table.*

Navy Department, *October* 12, 1837.

Sir: In answer to a resolution of the House of Representatives of the 4th instant, directing this Department to communicate the cause of the detention in the sailing of the exploring squadron, together with the correspondence between this Department and the commander and other officers or persons who are now or have been at any time attached to that service; and, also, to report what amount of the appropriation made by Congress for that purpose has been expended, and whether an additional sum will not be required, in a short period, to carry on the expedition, I have the honor to report, that the cause of the detention of the sailing of the South Sea exploring squadron will appear by the measures which have necessarily been adopted for fitting out the squadron, as stated in the letter of the Commissioners of the Navy of the 5th of September, 1836, and the correspondence therein referred to, and the letter of the commissioners of the 9th instant; copies of which are hereunto annexed.

In my annual report of the 3d of December last, I stated the measures that had been then adopted for fitting out the squadron, and the difficulty of recruiting seamen for this service, when it was necessary to recruit seamen for the Pacific, the Brazilian, and West India stations.

On the 6th of February last, I made a report to the President of the United States, transmitting the information required by a resolution of the House of Representatives of the 3d of that month, in relation to the progress which had been made with regard to the exploring expedition authorized by Congress. This report was submitted to the House of Representatives, and is among their printed documents of the last session, No. 138. Commander Tattnall, on his return from a cruise to the coast of Mexico, in the Pioneer, one of the vessels of the exploring squadron, reported so unfavorably of her sailing, that it was deemed proper to examine into her condition, as well as that of the bark Consort and schooner Pilot; which three vessels had been built expressly for this expedition, and the two latter of which had been considered as inferior to the former in point of sailing.

Commodore Jones was instructed to make an experimental cruise with these three vessels, which he did; and on his return, reported favorably of their sailing, but recommended that they should be put into dry dock for the purpose of examination, and for such alterations as a board of officers appointed for that purpose should recommend. Several alterations were recommended, and adopted without unnecessary delay.

Notwithstanding the alterations made in the schooner Pilot, there was a want of confidence in her sailing; and as Commodore Jones was desirous of having a swift-sailing schooner for this service, he was authorized to purchase such a one, should he deem it expedient, to be substituted for the Pilot. He purchased such a schooner, which he thinks well calculated for the service, and which is now in New York, undergoing some necessary alterations, which can soon be completed.

On the 1st of August last, Commodore Jones requested that the cooking-galleys, made upon a new plan, for burning anthracite coal, with which his vessels had been furnished, might be replaced by others, such as had heretofore been used in the navy. The new galleys have been constructed with all possible despatch at the navy yard at this place: the last of which was sent to Norfolk on the 6th instant, so that it is probable they could all be on board the proper vessels by the 8th; on which day it was the intention of Commodore Jones to sail with his squadron for New York, for the purpose of completing his stores, receiving the scientific corps of the expedition, with their instruments and books, and for the purpose of adopting means for heating the vessels when in cold latitudes: all which, it is believed, can be accomplished in about three weeks. When the board of officers (Commodores Chauncey, Morris, Warrington, Patterson, and Wadsworth) were instructed to inquire into the condition of the barks Pioneer and Consort and the schooner Pilot, and their fitness for service in the surveying and exploring expedition, they were also instructed to inquire whether this expedition might not be reduced in its amount of vessels and men with advantage to the country, and without prejudice to the suc-

cess of the expedition. A copy of the letter of instructions to the commissioners, and their report of the 13th of July, 1837, are hereunto annexed.

In addition to the sum of $150,000, appropriated by the law authorizing the expedition, the further sum of $150,000, transferred from other appropriations, by authority of the same law, to fitting out this expedition, the sum of $346,431 was embraced in the estimates for the year 1837, to defray the current expenses of the expedition for one year. From the special appropriation and transfer above stated, amounting to $300,000, there has been paid the expense of building and equipping the Pioneer, Consort, and Pilot, and the completion of the store-ship Relief, for this service, as also the cost of the schooner Active, purchased by Commodore Jones as a substitute for the Pilot, and the instruments and books which have been already collected. About $25,000 from the special appropriation was paid for provisions, and about $24,000 has been paid or allotted for the purchase of other articles wanted for the expedition. The remainder of the provisions and the ordinary supplies of sea-stores, pay, and other expenses, have been taken from the general appropriations for the navy. The estimates for this special service having been incorporated into the general appropriations for the navy, no special returns have been received of the current expenses under the heads embraced in the appropriation. It is presumed that a fair proportion of the amount estimated for the year has been expended since its commencement. This proportion would give, up to the 1st instant, $259,824 25, which, added to the amount drawn from the Treasury to this date, $293,342 30, gives a total of $553,166 55, as the expense of the expedition to the present time, according to the latest returns received.

No further appropriations will be wanted for the present year for the expedition. But appropriations to the amount of $346,431 a year will be wanted for the expedition while it will be absent from the United States; and it is expected to be absent three years.

A statement of the moneys drawn from the Treasury of the United States for the expedition, made by the Fourth Auditor, amounting, on the 9th instant, to $278,342 30, to which is to be added $15,000 since drawn, making the total of $293,342 30, is hereunto annexed.

The complement of officers for the expedition is not yet complete. It is believed, however, that it will be before the vessels can be fully prepared. There has been great difficulty in obtaining the services of a sufficient number of the officers wanted, as will appear by the list of those ordered, and those on duty; which list is hereunto annexed.

The correspondence called for is so voluminous that it could not, with the present number of clerks in this Department, be copied during this session of Congress, without impeding the indispensable daily business now depending; but the originals will be sent to the House of Representatives, if required, or will be copied if sufficient time be given.

I have the honor to be, with great respect, your obedient, humble servant, MAHLON DICKERSON.

To the Hon. James K. Polk,
*Speaker of the House of Representatives.*

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Navy Commissioners' Office,
*September* 5, 1836.

Sir: The Board of Navy Commissioners have the honor to acknowledge the receipt of your letter of the 2d inst. with a copy of a letter from Thomas Ap C. Jones to you of the 29th ultimo.

In relation to that part of your letter which requires "that no specifications and statements be required of Captain Jones other than such as commander of the squadron he ought to give, upon his own responsibility, and that the building department perform the duties properly belonging to it, and upon its own responsibility," as well as to that part of Captain Jones's letter which refers to the requirements of the commissioners upon him, the board beg leave, respectfully, to offer the following remarks:

The official information which the board possess respecting the objects of the exploring expedition, the vessels which are to be employed upon it, and the manner in which they are to be prepared, is comprised in the act of Congress which authorized the expedition: a letter from the Secretary of the Navy of the 6th July last, directing the frigate Macedonian to be finished and fitted for sea with the least possible delay, and to furnish and fit her with a view for employment on the South Sea exploring expedition; a letter of the 7th July, 1836, directing that there be built, or finished, if already begun, and fitted for sea, two brigs, one schooner, and one store-ship, for the South Sea exploring expedition: a letter of the 10th July, informing the board that the above vessels were to be built and finished under the appropriation for the exploring expedition: another letter from the Secretary of the Navy, of the 20th July, directing an alteration in the interior arrangements of the Macedonian, by fitting her with a poop, &c., dispensing with a portion of her armament, and diminishing the dimensions of the masts, yards, sails, rigging, &c., if convenient; this letter also furnished the dimensions, rig, and armaments of the three vessels which had been directed to be built by letter of 7th July, and stated that they were not to be fitted as vessels of war: one other letter from the Secretary of the Navy, of the 25th July, referring to the previous letters, and informing the board that these letters contained some of the views of Captain Jones, who was to command the expedition, and stating that "it will be proper on all occasions connected with this special service, when not inconsistent with the general regulations, for the Commissioners of the Navy to accede to the suggestions of Captain Jones."

With this information, and under these instructions, the action of the board has been as follows: On the 6th July the board directed Commodore Warrington to complete the Macedonian with all practicable despatch, as will be seen by the copy enclosed, marked A. On the 11th July, they wrote letters of inquiry to the commandants of the yards at Boston and New York, in relation to their ability to build the brigs and schooner, as by letter, copy marked B. When at the Norfolk yard, about the middle of July, the board verbally reiterated this order to hasten the completion of the Macedonian; and, to expedite it, gave the order of 14th July to prepare plank in Washington, of which the copy is marked C. The chief naval constructor was verbally directed to prepare draughts and building instructions for the vessels to be built, and for the internal arrangements of them and the store-ship, and the masts and spars of the different vessels, to conform to the wishes of Captain Jones, who was verbally requested by the board to give his views to the constructor; and on the 21st July, the commandants at Boston and New York were directed to make preparations for building. On the 26th July, the letters were written by the board, of which the original of copy D was sent to Commodore Warrington; of copy E to Commodore Downes; of F to Commodore Barron; G to Commodore Ridgely; and H to Captain Jones. On the 5th August, a letter was written to Commodore Downes, of which copy I is annexed; and on the 14th August to Commodore Ridgely, as per copy K.

On the 18th August a letter was received from Captain Jones, of which the copy is marked L; and, upon this letter, instructions were given to exclude cotton canvass entirely from the sails and equipment of the vessels; and a copy of the description of the boats furnished by Captain Jones was sent to Commodore Warrington, with instructions to conform to them. As the terms of Captain Jones's

letter were very general, in relation to both quantities and qualities of the articles which he wished provided, and as several of these were not such as are usually furnished to our vessels of war, the board, from a sincere desire that every thing should be provided and prepared to his entire satisfaction, wrote him, on the 20th August, the letter marked M, suggesting a course which to them seemed best calculated to effect that object. This letter seems to be that to which he more specially refers in his letter to you of the 29th ultimo. On the receipt of Captain Jones's letter of the 22d August, copy marked N, orders were immediately issued to arm the vessels accordingly. Having received a letter from the commanding officer of the navy yard at New York, of which O is a copy, Captain Jones was furnished with a copy and requested to give the information asked; which produced a reply, dated 29th August, of which a copy is marked P. The exhibit referred to in the postscript, which related to the number of men, was referred to the Secretary of the Navy for his sanction, before giving further orders upon the subject; the Secretary's decision was received on the 3d instant, with other information. The other, relating to the sails of the schooner, was transmitted, with orders to furnish them. On the 30th ultimo, letters were written to the different officers where the vessels for this expedition are building, of which copies are marked Q. On the 31st ultimo a letter, copy marked R, was received from Captain Jones, consenting to receive certain articles, which had been made from cotton canvass before the orders for flax canvass had been received; and another letter of the same date, S, proposing to change the rig of the vessels first ordered as brigs, with which proposal the board concurred, under the instructions of the Department of 25th July, and gave the necessary orders accordingly.

With this statement, the board respectfully submit to your decision, and that of the President of the United States should it be necessary, whether "their requirements" upon Captain Jones, "under existing circumstances, emanate from a laudable zeal to promote the public service, or any other consideration;" and whether, under the instructions of the 25th July, and the ignorance of the board as to the particular objects proposed by the expedition, and the mode of attaining them, they could have adopted measures better calculated to secure the equipment of the vessels in conformity with the wishes of Captain Jones, as directed by your letter of 25th July.

I have the honor to be, with great respect, sir, your most obedient servant, JOHN RODGERS.

To the Hon. MAHLON DICKERSON,
*Secretary of the Navy.*

A.

NAVY COMMISSIONERS' OFFICE, *July* 6, 1836.

SIR: You will proceed to complete the frigate Macedonian, and equip her for sea with all practicable despatch. She is intended to form one of the vessels for the exploring expedition, and as additional security in case she should get aground, you will cause the spaces in her frame to be filled up from the keel to the underside of the berth-deck beams, and caulked, so as to make that part of the frame water-tight, provided it can be done without removing any of the planking already upon her bottom.

The board expect to visit the yard under your command on Saturday next.

Respectfully, &c. JOHN RODGERS.

Com. LEWIS WARRINGTON,
*Commanding Naval Officer, Norfolk, Va.*

B.

NAVY COMMISSIONERS' OFFICE, *July* 11, 1836.

SIR: Please inform the board as early as practicable, whether a brig and schooner, or either, and which can be built from the promiscuous live-oak timber, or from any moulded timber smaller than sloops, in the yard under your command, and to what appropriation such timber belongs; and whether such frame timber can be purchased from and delivered *immediately* by individuals, and at what price, if it should be wanted.

Respectfully, &c. JOHN RODGERS.

Com. JOHN DOWNES, *Boston.*
Com. CHARLES G. RIDGELY, *New York.*

C.

NAVY COMMISSIONERS' OFFICE,
*Norfolk, July* 14, 1836.

SIR: The Macedonian, building at this yard, requires the following thicknesses of yellow-pine plank for her decks, viz: 2 inches, 3½ inches, 4½ inches, 5 inches, and 6 inches; and they have not the stuff at this yard out of which to saw it.

You will be pleased to have the sawing of this plank commenced immediately, taking the stocks from any on hand the most convenient, using, in addition to the engine, hand-sawyers, if it will accelerate the work, and sending the sawed plank to this yard as fast as opportunities shall offer. The quantities of each size we shall give you on our return to Washington. The stocks are to be repaid, and the whole labor of sawing them is to be paid out of the appropriation for building the Macedonian.

Respectfully, &c. JOHN RODGERS.

Com. D. T. PATTERSON,
*Commanding Navy Yard, Washington.*

D.

NAVY COMMISSIONERS' OFFICE, *July* 26, 1836.

SIR: The Macedonian having been selected for one of the vessels to be employed on the surveying and exploring expedition, it has been determined to alter the original plan for the interior arrangement of that ship, so far as the substitution of a poop cabin for the commander, in lieu of his usual accommodations on the gun-deck, which latter space will be fitted with state-rooms, three of a side, for the accommodation of the principals of the scientific department, to be capacious and so constructed as to admit both air and light freely when in low latitudes, and at the same time susceptible of being converted into close and warm rooms when in colder regions. The two after and one of the forward guns, on each side, both of the gun and spar decks, may be dispensed with; and if the masts, yards, sails, riggings, &c. are not yet made or prepared, some reduction in their dimensions might be desirable, though not indispensably necessary, but no change to be made if they have been completed or much advanced.

Captain T. Ap C. Jones has been designated to command on this service; and if he should visit the yard under your command whilst this vessel is building or equipping, and express his wishes for any special arrangements or modification of the equipments, boats, or other stores, that will not require an alteration of work already completed, you will adopt his suggestions; as it is the wish of the board that the vessels may be fitted and supplied as nearly to his satisfaction as circumstances will permit.

Respectfully, &c. JOHN ROGERS.

Com. L. WARRINGTON,
*Norfolk, Virginia.*

E.

NAVY COMMISSIONER'S OFFICE, *July* 26, 1836.

SIR: The chief naval constructor will be soon directed to report to you for the purpose of laying down and preparing the moulds for two brigs intended for the surveying and exploring expedition, both of which are to be built and equipped at the yard under your command with the

least practicable delay, and you will employ as many men upon them as can work to advantage, in preference to working on any other vessels. He will carry with him and leave with you the necessary building instructions and other directions respecting their arrangement and equipment.

Captain T. Ap C. Jones has been designated to command on this service, and if he should visit the yard under your command whilst the vessels are building and equipping, and express his wishes for any special arrangements or modification of the equipments, boats, or other stores, that will not require an alteration of work already completed, you will adopt his suggestions; as it is the wish of the board that the vessels may be fitted and supplied as nearly to his satisfaction as circumstances will permit.

The expenses are to be charged to the "exploring expedition," and requisitions made accordingly; an accurate account must be kept of all articles borrowed from other appropriations, and a return made as soon as completed, besides the quarterly returns required by the existing regulations. Respectfully, &c.

JOHN RODGERS.

Com. JOHN DOWNES,
*Commanding Naval Officer, Boston.*

F.

NAVY COMMISSIONERS' OFFICE, *July* 26, 1836.

SIR: Capt. T. Ap C. Jones has been designated to command the surveying and exploring expedition, and if he should visit the yard under your command whilst the store ship is building or equipping, and express his wishes for any special arrangement or modification of the equipment, boats, or other stores, that will not require an alteration of work already completed, you will adopt his suggestions; as it is the wish of the board that the vessels may be fitted and supplied as nearly to his satisfaction as circumstances will permit. Respectfully, &c.

JOHN RODGERS.

Com. JAMES BARRON,
*Commanding Naval Officer, Philadelphia.*

G.

NAVY COMMISSIONERS' OFFICE, *July* 26, 1836.

SIR: Herewith you will receive a draught and building instructions for a schooner intended for the surveying and exploring expedition, which you will have built and equipped at the yard under your command with the least possible delay.

Capt. T. Ap C. Jones has been designated to command on this service, and if he should visit the yard under your command whilst the schooner is building or equipping, and express his wishes for any special arrangements, boats or other stores, that will not require an alteration of work already completed, you will adopt his suggestions; as it is the wish of the board that all the vessels may be fitted out and supplied as nearly to his satisfaction as circumstances will permit.

The expenses are to be charged to "the surveying and exploring expedition," and requisitions made accordingly; an accurate account must be kept of all articles borrowed from other appropriations, and a return made as soon as completed, besides the quarterly returns required by the existing orders. Respectfully, &c.

JOHN RODGERS.

Com. CHAS. G. RIDGELY,
*Commanding Naval Officer, New York.*

H.

NAVY COMMISSIONERS' OFFICE, *July* 26, 1836.

SIR: The Secretary of the Navy has suggested to the Board of Navy Commissioners the propriety of acceding to your wishes on all occasions connected with the surveying and exploring expedition, which you have been selected to command, when not inconsistent with the general regulations. They have to request that you will inform them, as early as practicable, of any special arrangements which you may wish in the construction, internal arrangements, armaments, and equipment of the vessels, or in their stores, which are to be employed on that service, that instructions may be given in time to prevent the necessity of changes hereafter.

Should you visit the navy yards, the commandants will be directed to attend to your direct suggestions respecting these vessels, when they will not require alterations of what has been already done. Respectfully, &c.

JOHN RODGERS.

Capt. T. AP C. JONES,
*United States Navy, Washington.*

I.

NAVY COMMISSIONERS' OFFICE, *August* 6, 1836.

SIR: In reply to your letter of the 2d instant, the commissioners have to inform you that they are of opinion the two exploring brigs had better have tanks. You are, however, referred to Captain Jones upon the subject; also, as to the quantity of water he will require for each. In case of tanks being decided on, you will call on the navy agent to have them made on the best terms in his power, taking care to have them ready in time, so as to prevent any delay on their account. Respectfully, &c.

JOHN RODGERS.

Com. JOHN DOWNES,
*Commanding Naval Officer, Boston.*

K.

NAVY COMMISSIONERS' OFFICE, *August* 11, 1836.

SIR: In reply to your letter of the 9th instant, in relation to the armament, &c., of the schooner building for the exploring expedition, the commissioners have to refer you to Capt. T. Ap C. Jones, who is now, or shortly will be, in New York, and will give you every necessary information upon the subject. The board prefer tanks and chain cables, and if, after consultation with Captain Jones, they should be decided on, you will call on the navy agent to procure them on the best terms in his power.

I am, very respectfully, &c. JOHN RODGERS.

Com. CHAS. G. RIDGELY,
*Commanding Naval Officer, New York.*

L.

PHILADELPHIA, *August* 15, 1836.

SIR: Your letter of the 26th July reached me on the 2d instant, as I passed through Washington on my way to Philadelphia, New York, and Boston, on business connected with the South Sea surveying and exploring expedition. The instructions which the commissioners have already given in relation to the vessels now constructing and preparing for the aforesaid voyage, appear to me to embrace all that is material in the present stage of building, and I am happy to say that the work is progressing at the several yards which I have visited with spirit and expedition.

With regard to outfit and *supplies* of *every* kind, it is very desirable that they should be *of the very best* in every department, and especially the ground-tackle for each vessel, which ought to have at least *one extra* anchor and cable, and an additional supply of kedges and hawsers, and a large stock of the best grass-rope warps, to be used with *floating* anchors.

It is desirable that *cotton* canvass should be *excluded entirely* from every department in this expedition. The danger of spontaneous combustion is too great even to justify its safe use for hammocks and bags in very high latitudes or other situations, when it must often happen, with every care and attention, hammocks, bags, and the men's clothing cannot be kept dry nor freely aired.

The provisions, of course, will be of the best quality,

and put up in the best manner for long keeping, especially that which is put on board the store-ship. Bread and other dry provisions might be kiln-dried, and ought to be packed in tight casks or cases; a portion of the provisions might consist of concentrated soup, of preserved fresh meats—say one-eighth or one-twelfth part of the whole; the spirits and vinegar ought to be of the highest proof and best quality, with a view to economy in space.

The galley invented by Commodore Baron is, I think, the best I have ever seen, and I desire that each vessel may be supplied with one of that kind.

The usual supply of ready-made sails will be sufficient, but canvass, twine, &c. for an extra suit, comprising courses, topsails, topgallant-sails, and *storm-sails*, will be required for each vessel; two extra boats are required for the store-ship, and I should wish the stern and quarter boats of the Macedonian to be constructed differently from those usually carried by our frigates; also, a supply of boat-builder's lumber, and other materials for building boats will be required.

A portion of the slop-clothing, too, ought to be of better quality than that which is in general use in the navy; something more *impervious to water*, more durable, and of course warmer, will be necessary while exploring in high latitudes; water-proof boots and caps or hats ought also to be added to the list, with some articles of gum-elastic fabrication, such as boat-bags, life-preservers, tent-covers, &c.

Respectfully, &c.

THOS. AP C. JONES,
*Commander of the South Sea Expedition.*

Com. John Rodgers.

M.

Navy Commissioners' Office, *Aug.* 20, 1836.

Sir: Your letter of the 13th instant is received. The board having been instructed to conform to your wishes in the equipment of the vessels for the surveying and exploring expedition, as far as consistent with the general regulations, and being desirous of carrying these instructions into effect in the fullest manner, they request that, in communicating your wishes, you would be more definite than in the letter of 13th instant.

The board would suggest, as the course least liable to misapprehension, that you should furnish distinct requisitions, under the proper heads, for all the articles you may wish, and the places where you may wish them collected, and particular descriptions of such as vary from those commonly used in the navy, that the whole may be forwarded to the respective commandants, and prepared in due season.

As Commodore Barron, who is the patentee, may not be able to furnish galleys of his make for all the vessels by the time they would be required, the board would suggest that you inform them for which you would prefer them first, in case all cannot be made.

Commodore Warrington will be instructed to have the boats of the Macedonian made of such dimensions and conformably to such description as you may furnish him with.

Respectfully, &c.

I. CHAUNCEY.

Capt. T. Ap C. Jones, *Washington.*

N.

Washington, *August* 22, 1836.

Required for arming the schooner, two brigs, and the store-ship, building for the South Sea surveying and exploring expedition, the following described ordnance, viz:

Six 12-pound gunnades for each brig building at Boston,
Six do do for the ship at Philadelphia,
Four 9 do do for the schooner at New York.

All of the aforesaid guns to be mounted on truck-travelling carriages, and to be furnished with the usual *appurtenances*; powder, ball, grape and canister shot and wads.

Respectfully, &c.

THOS. AP CATESBY JONES,
*Commander of the Expedition.*

To the President *of the Board of Navy Commissioners.*

O.

Navy Yard, New York, *August* 24, 1836.

Gentlemen: Your communication of the 22d instant has been received, in which you direct that cotton canvass shall not be used in the equipment of the exploring vessel now in progress of construction at this yard. In reply, permit me to state that no definite instructions have been received, either from the Navy Board or from Captain T. A. C. Jones, as to the dimensions of spars, the rig or ground tackle, the cut and quantity of sails, the contemplated number of her crew, the arrangement of accommodations, sea-stores, &c. These instructions are necessary, in order to facilitate the equipment of the vessel which will be ready for launching by the 25th of next month, (September.)

Respectfully, &c.

M. C. PERRY, *Commanding officer.*

The Commissioners *of the Navy, Washington.*

P.

Near Prospect Hill, Virginia, *Aug.* 29, 1836.

Sir: I have the honor to acknowledge the receipt of your letter of the 26th instant, covering the copy of one from Master Commandant M. C. Perry, bearing date the 24th August.

I am sorry to discover by Master Commandant Perry's letter, a want of candor in his communication to the Navy Board. Had Captain Perry have felt, or in any way manifested a tithe of the zeal displayed by the officers of the Philadelphia and Charleston navy yards for the success of the South Sea exploring expedition, or had he accorded to me the ordinary civilities which I have been accustomed to receive on all former occasions, at the New York and all other navy yards which I have ever visited on duty, he would have known that Mr. Hart, the naval constructor of New York navy yard, presented to me, on the 12th day of August, in said yard, the draught of a schooner's masts, yards, and principal sails, which he said were intended for a schooner of about 120 tons, (the only vessel building at that yard for the exploring expedition,) which draught, after examination and consultation with Mr. Hart, and in the presence of Lieutenant Hudson, of the navy, was adopted by me, after suggesting several alterations, such as shortening the topsail and topgallant yards, reducing the hoist of the topsail, raking the masts, and stewing the bowsprit more; substituting a lug for a boom-foresail, &c., which modified draught I requested Mr. Hart to adopt, unless otherwise directed by the Navy Commissioners. Master Commandant Perry ought also to have known that Commodore Ridgely, in my presence, ordered the master-mastmaker to break the workmen off from the Ohio's spars, and to go immediately to work on the exploring schooners; and, finally, on taking leave of Commodore Ridgely, with whom I had freely conferred in relation to the vessel building under his immediate command, and who I found well disposed to further all my wishes as well as the wishes of the Government, I expressed my hope and desire that he would exercise his own judgment in all things not specially ordered in relation to the schooner building in the yard under his command, and to do with her as he would do were he going to command her himself; and at the same time informing him that as soon as I returned to Washington, I hoped to have the commander and forward officers, at least, appointed to all the vessels building, in order that those who

are to command might have some voice in planning the interior arrangements of the vessels, and being on the spot with their boatswains, gunners, carpenters, &c., could the more readily cause all necessary requisitions to be made, and see that they were properly complied with; but notwithstanding my earnest and repeated solicitations upon the subject, the honorable Secretary of the Navy has refused, and still refuses, to make the appointments so much needed, and I know of no remedy in this case, if the officers of the navy yards withhold a willing aid; for it is manifest that no human being, not endowed with omnipresence, can superintend in detail the building and equipping of five vessels at four different stations, the extremes of which are seven hundred miles apart.

In my early communications with the Navy Department, after I was assigned to the command of the exploring expedition, I adverted to the number of officers to be provided for; and in the memorandum I furnished the naval constructor, (as requested by the navy board,) dated 22d, July, the following paragraph will be found: "*Of officers there will probably be no more than eight for each brig and six for the schooner*, of the grades which usually occupy the cabin, wardroom, and steerage, and it is proposed to accommodate them all in one cabin. The warrant and petty officers will, I suppose, in *number and grade*, be the same as is allowed to similar vessels in the regular service, but the number of privates will be considerably reduced."

The letter which I had the honor to address to the board on the 15th instant, is expressive of my general views with regard to outfit and supplies, which, together with some more specific requisitions previously made, appear to me to be sufficiently definite for the guidance of all intrusted with the building and equipping of the vessels destined for the South Sea surveying and exploring expedition; but if they are not, I can only say that the public interest must suffer until the honorable Secretary of the Navy shall think proper to accord me the necessary aid, by appointing the officers I have so urgently asked for.

I have the honor to be, &c.

THOS. AP CATESBY JONES,
*Commander of the S. S. Expedition.*

P. S. Enclosed is a paper marked A, exhibiting the contemplated number and arrangement of the officers and men to be employed in the exploring expedition. I need hardly add that the quantity of water, provisions, and other stores, might be governed almost entirely by the vessel's *capacity* for carrying. I also enclose an *inventory* of the sails required for the schooner building at New York.

THOS. AP C. JONES.

The President *of the*
*Board of Navy Commissioners.*

Q.

Navy Commissioners' Office, *August* 30, 1836.

Sir: By the particular request of Captain Jones, the brigs building at the yard under your command, for the exploring expedition, are not to be salted.

Respectfully, &c.

I. CHAUNCEY.

Com. John Downes, *Boston.*
Com. Charles G. Ridgely, *New York—schooner.*
Com. James Barron, *Philadelphia—store-ship.*
Com. L. Warrington, *Norfolk—Macedonian.*

R.

Near Prospect Hill, *Virginia*, *August* 31, 1836.

Sir: Your two letters of yesterday's date, covering communications from Commodores Warrington and Downes, upon the subject of cotton canvass, and from the former in relation to the Macedonian's quarter-boats, have this day been received.

With regard to the boats in question, I have no draught of the Macedonian, nor of the boats she hitherto carried. I gave the distance between the davits as the data by which to determine the length of the boats, so as to leave the commandant of the yard, as well as the boat-builder, full scope, if the davits were not fitted, and if they were, then to fit the boats to the davits. Perhaps Commodore Warrington will better understand my meaning when I say that the boats are to be six-oared boats, single banked, with good roomy stern and head sheets, and I suppose about *six or eight and twenty feet long*, as they are to be sharp at each end.

In relation to the cotton canvass, I conceive the danger of spontaneous combustion too imminent to justify its use in any sails or other articles that have to be stowed in a sail-room or other place liable to heat and moisture, and it was for that reason alone that I requested its use to be dispensed with on board the exploring vessels. The hammock clothes and covers named by Commodore Downes, need *not be substituted* by others of flax, as, from their constant exposure in open air, and their not being liable to be thrown in a mass, as awnings, sails, and even hammocks and bags sometimes unavoidably are, and often, too, containing damp bedding and clothes, which would be certain to ignite, (sometimes in the course of a very few hours,) the fatal consequences of which cannot be too studiously guarded against. I, therefore, respectfully request, that, with the exception above made in favor of the hammock clothes and sail covers named by Commodore Downes, flax canvass may be excluded, as before suggested. I have the honor to be, &c.

THOMAS AP CATESBY JONES.

To the President *of the Board of Navy Commissioners.*

S.

Washington, *August* 31, 1836.

Sir: I did myself the honor this day to lay before the board the draught of a bark rig, as suggested by Commodore Downes, as a substitute for the brig, viz: for the two exploring vessels building at the Boston navy yard. If the proposed alteration meets the approbation of the board, I respectfully request that the necessary orders may be given to Commodore Downes.

I am, &c. THOMAS AP CATESBY JONES,
*Commander of the South Sea Expedition.*

To the President *of the Board of Navy Commissioners.*

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Navy Commissioners' Office,
*September* 16, 1836.

Sir: As one of the letters from Captain T. A. C. Jones to the board, in relation to the exploring expedition, of which copies have been sent to you, referred to the conduct of Master Commander M. C. Perry, the board consider it but proper to transmit you the enclosed copies of communications from that officer, which relate to the letter from Captain Jones.

I have the honor to be, with great respect, sir, your obedient servant, JOHN RODGERS.

Hon. Mahlon Dickerson,
*Secretary of the Navy.*

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Navy Yard, New York, *September* 7, 1836.

Gentlemen: I have attentively perused an extract of a communication bearing date the 29th ultimo, addressed by Captain Thomas Ap C. Jones to the Navy Commissioners, in which that officer has thought proper to constitute himself a judge of my motives and actions, and to charge me with a want of zeal in the success of the contemplated South Sea exploring expedition, and a lack of civility to him on the occasion of his recent visit to this navy yard. This extract having been officially communicated to Com-

modore Ridgely, it came in course to my notice, thereby securing to me the right, as it imposes upon me a duty, of replying to the extraordinary and unwarranted aspersions which it contains.

Captain Jones is mistaken when he states that I am deficient in zeal for the success of the expedition; nor can I conceive by what authority he establishes such opinion, for I do not recollect ever to have exchanged a word with him upon the subject. He could not surely have judged from my attention to the schooner now building; for, when he was at the yard, her keel was just laid, and she is still in the hands of the constructor; and, what is more, with the necessary instructions, she can be fitted for sea in a week after she is off the stocks; therefore, no evidence of a want of zeal can be deduced from this source, and at this establishment we have, as yet, no further connexion with the exploring expedition.

I am equally at a loss to account for his assertion that I was wanting in those marks of respect due to him as a superior officer, visiting the yard on duty. I am utterly unconscious of such impropriety. That I addressed him respectfully I am quite certain; perhaps not as cordially as he might have expected.

Having fulfilled all the obligations due by me to Captain Jones as an officer, I had a right to regulate the extent of cordiality with which I greeted him as an individual; a privilege I shall ever exercise in my intercourse with others. But it was not my province to confer with Captain Jones, in reference to the duties which brought him to the yard: Commodore Ridgley was here, and of course director and superintendent of all the operations of the establishment. Whatever communication passed between these officers in regard to the schooner, it was not for me to know. It was only necessary for me to execute the orders received from my immediate commander, leaving him to judge of the zeal with which I fulfilled them.

As this is a grave charge made against me by Captain Jones, I may be excused for entering into a history of the transactions. A communication from your office directed that, in the equipment of the exploring vessel, the suggestions and instructions of Captain Jones should be exclusively attended to; and in answer to an inquiry precisely similar to mine, made by Commodore Ridgely, dated August 9th, of which the enclosed are copies, you again refer to Captain Jones's remarking, in substance, that he was then or shortly would be in New York, and would furnish all the necessary information on the subject. When the reply to this communication was received, he had, as I understood, left New York on his return to the South; and knowing, as I did, as the then commanding officer, (Commodore Ridgely being absent,) that no *definite* instructions had been received—I say definite according to my sense of the word—it was my duty to communicate the fact for your information. The verbal instructions given to Mr. Hart by Captain Jones were unofficial, as they did not come through the commandant of the yard, and although they were made known to the latter some days after the departure of Captain Jones, and to me at the same time, they were considered *indefinite*, and simply explanatory suggestions to Mr. Hart, preparatory to the transmission of written instructions, which were asked for in the communication of Commodore Ridgely on the 9th, as in mine of the 24th August.

The orders of the Navy Commissioners to adhere solely to the suggestions of Captain Jones, gave to him the right to direct all the detail, thus taking from its usual channel the established course of business, and imposing on Captain Jones the responsibilities of the mode of equipment and outfit; responsibilities the more serious, as the vessel was to be employed on a service highly important: therefore, to prevent collision and misunderstanding, it was but fair that, in proposing these suggestions, they should be presented in a form to constitute a suitable voucher for the commandant of the yard in departing from the established course of duty. No written suggestion had then come to my notice as commanding officer, nor instructions from Commodore Ridgely when he was present, except in regard to the tanks, the boats, and guns, in the execution of which not a moment was lost, and even at this moment there are no definite instructions as to many of the points of inquiry.

The position assumed by me will, I am sure, be pronounced by the Navy Department, the navy board, and my immediate commander, as correct: that is, as commanding officer in the absence of Commodore Ridgely, not to execute orders unofficially or indefinitely presented, and during his presence on the station, to expect instructions only from him. Commodore Ridgely is in the daily and hourly superintendence of all the duties of the yard, and nothing of any importance is done without his knowledge; and this renders it the more extraordinary that I should be charged with a want of zeal in the equipment of the exploring vessel, when the person so accusing me could have had no knowledge of the nature of my instructions from the commandant of the yard, or the manner of my fulfilling such instructions.

In conclusion, I must express my regret that Captain Jones should have thus wantonly drawn me into a reply extremely repugnant to my general character and disposition. I should have been wanting, however, in due respect for myself to have submitted quietly to these aspersions; yet a sense of respect for you, gentlemen, and the discipline of the service, admonish me to repress the indignant feelings which naturally present themselves when reflecting on the tenor of this unprovoked attack.

As I have been favored with the perusal of that part of the communication of Captain Jones which alludes to me, I respectfully suggest that justice to him authorizes the request that he may be furnished with a copy of this.

It may be proper to state that the foregoing communication has been submitted to the perusal of Commodore Ridgely, in order that he might be satisfied of the correctness of its detail.

I have the honor to be, gentlemen, &c.

M. C. PERRY.

To the Commissioners *of the Navy.*

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Navy Yard, New York,
*August* 9, 1836.

Gentlemen: For the schooner building at this yard for the "surveying and exploring expedition," the following information is required, viz:

Her armament.*
Dimensions of spars.
Particular rig.
Boats and their sizes.*
Cut of sails, &c.
Water-tanks or casks.*
Cables, (chain or hemp,) number, length, and size, and where to be procured.

I have the honor to be, &c.

C. J. RIDGELY.

To the Commissioners *of the Navy.*

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United States Navy Yard,
*New York, August* 24, 1836.

Gentlemen: Your communication of the 22d instant has been received, in which you direct that cotton canvass shall not be used in the equipment of the exploring vessel now in progress of construction at this yard.

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* Omitted in my letter, instructions having been received subsequently to the date of the above letter.—*Note by M. C. P., September 9, 1836.*

In reply, permit me to state that no definite instructions have been received either from the navy board, or from Captain T. A. C. Jones, as to the dimensions of spars, the rig or ground-tackle, the cut and quantity of sails, the contemplated number of the crew, the arrangement of accommodations, sea-stores, &c.

These instructions are necessary, in order to facilitate the equipment of the vessel, which will be ready for launching by the 25th of next month.

I have the honor to be, &c.

M. C. PERRY, *Commanding officer.*

To the COMMISSIONERS *of the Navy, Washington.*

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NAVY COMMISSIONERS' OFFICE,

*October* 9, 1837.

SIR: The board of navy commissioners have the honor to acknowledge the receipt of your letter of the 5th instant, covering a resolution of the House of Representatives of the 4th instant, in relation to the causes of the detention of the exploring squadron, and for other purposes; and in conformity with your instructions, respectfully submit the following statement.

On the 5th September 1836, the board had occasion to report to you, in detail, the measures which had been adopted, in relation to the preparation of this squadron, up to the 31st August, 1836, and enclosed copies of letters and papers, lettered from A to S. With a view of saving time, in presenting this report, the board beg leave respectfully to refer to that communication and its enclosures, as a part of their present answer, for their proceedings to the 31st August, 1836.

On the 2d September, 1836, the board sent to the commandant at New York an extract from a letter received from Commodore Jones of the 29th August, in relation to information which had been asked by Captain Perry on the 24th August, when temporarily in command, by the absence of Commodore Ridgely.

Captain Perry forwarded a communication to this board, in reply to the remarks of Commodore Jones, a copy of which was transmitted to you by the board on the 16th September, 1836, to which copy the board respectfully refer for its contents.

The propositions of Commodore Jones for the number of men for the different vessels having received your sanction, schedules were sent on the 5th September, 1836, to the commandants at Boston, New York, and Norfolk, for their information and guidance in preparing the vessels.

On the 16th September, Commodore Barron was authorized to borrow tanks from appropriations for the Relief, and replace them from appropriations for the exploring expedition.

On the 17th October, in reply to a letter from Commodore Barron, informing the board of unusually large requisitions for leather for the store-ship Relief, the board informed him that "although the board consider that the quantity of leather required for the store-ship is greater than would be necessary for any service, yet, as the Secretary of the Navy has suggested that the wishes of Captain Jones in relation to the equipment of the exploring vessels should be complied with, you will furnish all articles required under the authority of Captain Jones, unless otherwise instructed by the board."

On the 19th October, 1836, the board directed the commanding officer at Boston to launch the two barks, and to equip them as early as possible.

On the 31st October, 1836, the board informed you of the application of Commodore Barron for some officers to take charge of the store-ship Relief; and that the two barks and the schooner were or would be soon launched, and respectfully suggested "that officers and men be provided early for all the vessels forming the exploring expedition, and that the vessels be ordered to Norfolk as early as they can proceed thither, where they will be safe from ice, and can be more conveniently equipped for the intended service."

The board having received a letter from Commodore Jones of 31st October, 1836, assigning as a reason for delaying to furnish information which had been asked for by Commodore Barron, that his continuance in command of the squadron was so equivocal at that time as to render it *doubtful* whether he could exercise any further control over the outfits of the squadron with due respect to the Secretary of the Navy, they transmitted a copy of the same to you, and requested your further instructions.

On the 8th November, the board notified you that the appropriation of $150,000 for this expedition was nearly exhausted, and they requested your attention to obtain the transfer, by the President, of the $150,000 which, by law, he was authorized to make for this service, from any other funds belonging to the navy.

Commodore Jones, on the 12th November, 1836, forwarded to the board requisitions for twelve months' supply of provisions for the exploring expedition, and stated his wishes in relation to their quality, age, and mode of packing. As some of these requests were not in conformity with the general arrangements of the service, a copy was transmitted to you on the 14th, and your instructions requested. Upon your verbal sanction, orders were issued by the board, on the same day, to the commandants at Boston, New York, and Norfolk, directing them to procure the articles wanted, of the best quality, and to be particularly careful that they were prepared in the manner best calculated for the intended service.

In pursuance of your directions of the 5th April, 1837, to have an examination held upon the barks Pioneer and Consort, and the schooner Pilot, to ascertain their condition, and to have them prepared for service on the exploring expedition, the board gave the necessary instructions to have these vessels taken into dock at Gosport as soon as it should be free for their reception. They also proposed to have a thorough examination made of them by Commodore Warrington, and Mr. Humphreys and Mr. Grice, naval constructors, and they requested of you that Commodore Jones might be directed to give his attendance, as he was not subject to the orders of the board. This examination was afterwards superseded, in consequence of your having directed a board of officers to make report upon the character of the vessels and other subjects.

On the 27th April, 1837, in a communication to you upon the subject of supplying the exploring expedition with certain articles prepared with India rubber, which had been proposed by Commodore Jones in a letter of the 24th, the board expressed *doubts* of the advantages of the articles, but gave an opinion that, from the large expenditure which he had proposed for those articles, Commodore Jones had probably satisfied himself of their utility.

On the 26th May the board stated to you that so far as they could judge of the performances of the exploring vessels, as made to you on the 25th May by Commodore Jones, and by you transmitted to the board, they appeared to be well calculated for the intended service, and the board concurred in opinion with Commodore Jones as to the expediency of placing them in dock for the examination formerly proposed, and to make such repairs or alterations as might be found necessary.

On the 30th May, Commodore Warrington was directed to prepare the Pioneer, Consort, and Pilot, for going into dock, and to report when the Delaware would be so far completed as to admit of her removal from the dock to admit them.

A board of five captains was subsequently ordered by the Secretary of the Navy, to make an examination of these vessels, and to report upon certain points embraced in the order which constituted that board.

After the examinations made by those officers, (among whom were the Navy Commissioners,) orders were given by the Board of Navy Commissioners to the commandant of the navy yard at Norfolk, to make the alterations and additions which had been suggested by the naval constructors to the board of examination, and had been approved of by them and by Commodore Jones.

In conformity with a request of Commodore Jones, the different vessels for the exploring expedition were originally ordered to be furnished with cooking galleys, made upon a new plan, by Commodore Barron, to burn anthracite coal. From the experience derived from their use, Commodore Jones, on the 1st August, 1837, requested that they might be replaced by others. Orders were given for others to be made as soon as their dimensions could be obtained, and they have all been finished and sent to Norfolk for the use of the vessels. The last was sent from the navy yard at this place on the 6th instant.

Commodore Jones having inquired of the board where he should send a vessel to receive her further equipment, in case he should purchase one for the exploring expedition, the board, with your sanction, authorized him, on the 4th September, 1837, to send her to the navy yard New York or Norfolk, as he might deem most convenient for his future arrangements.

Upon the application of Commodore Jones, dated 25th ultimo, the board on the 3d instant authorized a change of a part of the bread which had been prepared for the exploring expedition, and packed in hogsheads, for others to be packed in barrels, and directed the commandant at New York to call upon the contractors to furnish within the present month 80,000 lbs. of bread, packed in tight whiskey barrels, and to procure an additional supply of kiln-dried flour, equivalent to 8,000 lbs. of bread, to be made from domestic wheat of this year's growth, for that expedition. The navy agent at this place was directed to procure and ship to the navy yard at New York, for the same expedition, one hundred barrels of kiln-dried corn meal. The purchase of high-proof whiskey was authorized to be made at Baltimore on the 7th instant, and directed to be sent to the same place. The bread heretofore prepared for the exploring expedition, which was packed in hogsheads, Commodore Ridgely was directed to receive and ship for the use of the squadron in the Pacific ocean, to which place a shipment in hogsheads had been ordered.

A letter received this day from the commandant at Norfolk informs the board, under date of the 6th instant, that the schooner Pilot, which had been built for this expedition, has been divested of her stores and equipments, and given up by Commodore Jones.

By the usages of the Department, the board hold no correspondence with the commanders of vessels in commission, except in relation to their supplies of provisions and stores. The movements of vessels in commission are regulated by the direct orders of the Secretary of the Navy. The board are, therefore, unable to present any further information as to the progress made in the execution of orders for preparing this expedition, than is contained in this communication, and that of 5th September, 1836. For the same reasons they are unable to state how soon these vessels will be ready to sail for New York, or what remains to be done in fitting them out, after their arrival at that port, or what has been done or what remains to be done to the schooner Active, purchased for the expedition, and now at New York. It is presumed that reports upon these subjects have been made directly to the Secretary of the Navy.

I have the honor to be, sir, very respectfully, your obedient servant,

C. MORRIS.

Hon. MAHLON DICKERSON,
*Secretary of the Navy.*

NAVY DEPARTMENT, *June* 8, 1837.

It has been represented to the President that doubts are entertained by officers of the navy whether the barks Pioneer and Consort and schooner Pilot, built for the South Sea surveying and exploring expedition, are fitted for that service; and it has also been represented to him that sending out at this time the entire force heretofore intended for this expedition, to wit: one frigate, one store-ship, two barks, and a schooner, with crews amounting, officers included, to six hundred men, would interfere with the means of affording the prompt and efficient protection to our commerce which its present exposed and critical situation requires, more especially if we are to add another schooner to the exploring squadron, which the commander requires, and without which he considers the expedition will not be complete or efficient.

The President has therefore been pleased to direct that inquiries be made upon this subject, by referring the same to you as a board to consider and report upon the same. I have therefore to request that you will inquire into the condition of the said two barks and schooner, and their fitness for service in the surveying and exploring expedition; and also inquire whether this expedition may not be reduced in its amount of vessels and men with advantage to the country, and without prejudice to the success of the expedition.

The expedition is authorized by the 2d section of the act making appropriations for the naval service for the year 1836, passed the 14th day of May of that year, and by appropriations at the last session of Congress. In the act of 1836 it is provided that the President be authorized to send out a surveying and exploring expedition to the Pacific Ocean and the South Seas; and for that purpose to employ a sloop of war, and to purchase or provide such other smaller vessels as may be necessary and proper to render the said expedition efficient and useful. The appropriations made at the last session of Congress provide for sending out the said frigate, one store-ship, two barks, and one schooner—the whole, however, under its original character of a surveying and exploring expedition. It is intended that the length of the cruise of the exploring squadron shall be three years; and its object shall be chiefly to explore the ocean and part of the southern hemisphere, more particularly in high latitudes, and in regions as near the pole as may be approched without danger. Some portions of the Pacific north of the equator may probably be visited by this squadron, or some part of it. It is intended to attach a scientific corps to this expedition, consisting of from fourteen to eighteen individuals. It will be among the duties required of the officers and scientific corps of this expedition to make, in the regions thus to be explored, all practicable surveys and observations of the same, with such accurate descriptions and drawings as may be most useful for the purposes of navigation and commerce; and to make such researches as the opportunities of the expedition will afford in all branches of science which have attracted the attention of the Governments of Europe, in fitting out expeditions of a like character with this.

Your views upon the subject now referred, you will express in a report to this Department as soon as your convenience will permit.

I am, with great respect, your obedient servant,

M. DICKERSON.

To Commodore ISAAC CHAUNCEY,
CHARLES MORRIS,
LEWIS WARRINGTON,
DANIEL T. PATTERSON, and
ALEXADER S. WADSWORTH.

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WASHINGTON, *July* 13, 1837.

SIR: Your order of the 8th ultimo, constituting a board to inquire into the condition of the barks Pioneer and Con-

sort and schooner Pilot, and their fitness for service in the surveying and exploring expedition, and for other purposes therein named, was duly received by the senior officer of the board and communicated to the other members.

The occupation of the dock at Gosport by the Delaware, and the employment of some of the members of the board on other special duties under your orders, produced a delay in the meeting of the board until the 30th ultimo.

The two barks having been placed in dock, the board, accompanied by Commodore T. A. C. Jones, the commander of the expedition, and Mr. Humphreys and Mr. Grice, naval constructors, made a careful examination of those vessels, as they did on the next day of the schooner Pilot. This preliminary examination having been made, the board met and notified Commodore Jones of their readiness and desire to receive any communication which he might wish to make on the subject; and certain questions were propounded to the two naval constructors to obtain their professional opinions upon certain points connected with the vessels. Commodore Jones transmitted to the board several communications, copies of which are annexed and marked A to —, inclusive; and by his direction the log-books of the vessels in question, and that of the Relief, were laid before the board. Copies of the letters to and answers from Mr. Humphreys and Mr. Grice are also annexed and marked —.

Having carefully considered all the information obtained by personal examination, and that which they had received from others, the board first proceeded to form an opinion upon the condition of the barks Pioneer and Consort, and schooner Pilot, and united in the opinion that it was good, the vessels being sound, strong, and well built.

They next proceeded to consider whether these vessels were fit for service in the surveying and exploring expedition in the seas and for the objects stated in your letter constituting the board. After a careful review of all the information communicated, and a reference to their personal examination of the vessels, the board were of opinion that, although these vessels do not and probably could not be made to combine, to the extent which might be desired, a due proportion of the qualities of sailing and working well, great strength, and capacity for stowage, yet, by some alterations, which could be soon completed, they might be made to answer the purposes proposed sufficiently well to justify their employment. The nature and extent of these alterations are contained in the paper enclosed and marked —.

The board then proceeded "to inquire whether this expedition may not be reduced in its amount of vessels and men with advantage to the country, and without prejudice to the success of the expedition," which constituted the remaining subject of inquiry upon which the opinion of the board was required.

In considering that branch of this inquiry which relates to the amount or number of vessels to be employed, the board felt themselves obliged to consider it with reference to various circumstances connected with the progress and present state of the expedition and the proposed objects.

These objects are stated in your letter to be "chiefly to explore the oceans and seas of the Southern hemisphere, more particularly in high latitudes, and in regions as near the pole as may be approached without danger. Some portions of the Pacific north of the equator may probably be visited by this squadron or some part of it." From fourteen to eighteen scientific persons are to be accommodated, all practicable surveys are to be executed, and such researches made in all branches of science as the opportunities of the expedition may afford.

The field for the operations of the vessels is extensive, and comprises all varieties of climate; the leading objects being to explore unknown regions, to survey those which may be discovered or which are but imperfectly known, and to collect as great an amount and variety of useful information as can be obtained.

If the board had been called upon before any preparations had been made, to state the number and character of the vessels which in their opinion would be best calculated to secure the attainment of these proposed objects, they certainly would not have recommended those which have been prepared.

They do not consider it essential to the interests of an expedition intended for exploring and surveying, that it should be armed beyond the extent necessary for its protection against pirates or attacks from savages, to which it may possibly be exposed in the prosecution of its duties. From no civilized nations are hostile acts to be apprehended, but, on the contrary, kindness and assistance whenever needed.

They also conceive it of importance, that whilst the total number of vessels in such an expedition should be sufficient to promise the probable accomplishment of all the objects proposed within the time allotted, each vessel should, as far as practicable, be prepared, within herself, to act with efficiency upon all the objects, in case of accidental separation from or disasters to others. For this purpose each should carry as many stores as practicable, have her due proportion of instruments and scientific persons, and her other arrangements made for independent and separate action. For purposes of exploring, and for surveying in remote, dangerous, and imperfectly known seas, it seems to be important that two vessels should be in company for mutual aid in case of accident, and for the greater facility of making surveys and researches. More than two vessels together would seem to offer few advantages to compensate for the additional expense and other inconveniences. More than one set, however, might perhaps be advantageously employed under the general direction of the same commanding officer. An expedition composed of four vessels, of which two to be from 400 to 450 tons, and two about 300 tons each, provided, amongst other supplies, with light frames, and the principal materials for building a decked boat of 15 to 25 tons, to be put up whenever wanted, would, it is believed, furnish accommodations for the number of persons, and all the essential means for making explorations and surveys, and collecting all the specimens and information which an expedition comprising two sets of vessels would require.

But although the board entertain these opinions, as regards the extent, size, and composition of a force for a surveying and exploring expedition, if no previous arrangements had been made; yet, when they take into consideration the measures which have been adopted, the expense which has been incurred, the time which has been spent in preparing the force, the near approach of the season when the vessels should sail to enable them to operate with advantage during the next winter, the delay which will be unavoidable if any material change be now made, and the possible defeat of the expedition itself, in the success of which the board have always felt and still feel deep solicitude; and, on the other hand, their belief that the vessels which have been prepared will answer for the objects proposed, with the slight alterations before mentioned, though not so perfectly, in the opinion of the board, as others: that this force has been arranged so that each part has a mutual dependance upon the other parts for the purposes of the expedition, and that the officer selected to command appears satisfied with these vessels—the board have arrived at the opinion that no reduction can be made in the amount of vessels at this late period, without prejudice to the success of the expedition.

Upon that part which relates to a reduction of the number of men, the board consider that the complement embarked should not exceed that which may be deemed necessary for the purposes of surveying and exploring, and their contingencies, without any additional number, having reference merely to the management of ordnance, as they

believe that the number required for the former purposes will be sufficient for defence. Any number beyond that which may be strictly useful, tends, by consumption of provisions, to diminish the length of time which the vessels can act without seeking a renewal of their supplies. With these views the board are of opinion that the number of officers and men for the vessels at present selected for the expedition, may, without disadvantage, be reduced to about five hundred, exclusive of the scientific corps.

The inability of Commodore Warrington to accompany the other members of the board to Washington, in consequence of his engagement on a court martial, and the imperative duties of some of the other members, have produced, with regret, some delay in completing this report; which is now respectfully submitted.

We have the honor to be, with great respect, &c.

I. CHAUNCEY,
C. MORRIS,
L. WARRINGTON,
DANIEL T. PATTERSON,
ALEX. S. WADSWORTH.

Hon. M. DICKERSON,
*Secretary of the Navy.*

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*Statement of moneys drawn from the Treasury of the United States by requisitions of the Secretary of the Navy, under the appropriation for the "surveying and exploring expedition," from the date of that appropriation to the present time.*

| Date. | No. | In whose favor drawn. | | | Amount. |
|---|---|---|---|---|---|
| 1836. | | | | | |
| July 9 | 9816 | Henry Toland, | Navy Agent | Philadel'a - | $6,000 00 |
| 13 | 9821 | Elias Kane, | do | Washing'n | 160 94 |
| 19 | 9829 | Henry Toland, | do | Philad'a - | 1,300 00 |
| 22 | 9838 | Baring, Brothers, & Co | do | London - | 19,000 00 |
| Aug. 6 | 9855 | Daniel D. Brodhead, | do | Boston - | 10,000 00 |
| 6 | 9856 | Henry Toland, | do | Philadel'a - | 5,000 00 |
| 16 | 9870 | Daniel D. Brodhead, | do | Boston - | 5,000 00 |
| 22 | 9878 | Elias Kane, | do | Washing'n | 1,000 00 |
| 25 | 9883 | James K. Paulding, | do | N. York - | 1,850 00 |
| 26 | 9884 | Henry Toland, | do | Philadel'a - | 10,000 00 |
| Sept. 5 | 9891 | Ditto | do | do - | 7,000 00 |
| 5 | 9892 | James K. Paulding, | do | N. York - | 3,000 00 |
| 8 | 9895 | Daniel D. Brodhead, | do | Boston - | 1,965 12 |
| 13 | 9899 | James K. Paulding, | do | N. York - | 3,600 00 |
| 13 | 9899 | Daniel D. Brodhead, | do | Boston - | 16,000 00 |

STATEMENT—continued.

| Date. | No. | In whose favor drawn. | | | Amount. |
|---|---|---|---|---|---|
| 1836. | | | | | |
| Oct. 3 | 9919 | James K. Paulding, | do | N. York - | 3,500 00 |
| 13 | 9936 | Daniel D. Brodhead, | do | Boston - | 20,000 00 |
| 13 | 9937 | James K. Paulding, | do | N. York - | 3,700 00 |
| 22 | 9946 | Daniel D. Brodhead, | do | Boston - | 20,000 00 |
| 26 | 9949 | James K. Paulding, | do | N. York - | 500 00 |
| Nov. 8 | 9965 | Daniel D. Brodhead | do | Boston - | 8,336 81 |
| 9 | 9972 | James K. Paulding, | do | N. York - | 950 00 |
| 14 | 9983 | Daniel D. Brodhead, | do | Boston - | 10,000 00 |
| 22 | 9993 | James K. Paulding, | do | N. York - | 5,000 00 |
| 22 | 9994 | Henry Toland, | do | Philadel'a - | 5,000 00 |
| 23 | 9996 | Daniel D. Brodhead, | do | Boston - | 25,025 00 |
| 24 | 9998 | James K. Paulding, | do | N. York - | 900 00 |
| Dec. 5 | 10 | Henry Toland, | do | Philadel'a - | 2,500 00 |
| 10 | 28 | James K. Paulding, | do | N. York - | 800 00 |
| 19 | 43 | Henry Toland, | do | Philadel'a - | 2,000 00 |
| 22 | 49 | Elias Kane, | do | Wash'ton - | 1,118 21 |
| 24 | 55 | James K. Paulding, | do | N. York - | 500 00 |
| 1837. | | | | | |
| Jan. 17 | 84 | Daniel D. Brodhead, | do | Boston - | 834 16 |
| 20 | 90 | Elias Kane, | do | Washing'n | 294 53 |
| Mar. 13 | 170 | James K. Paulding, | do | N. York - | 500 00 |
| 23 | 191 | George Loyall, | do | Norfolk - | 4,000 00 |
| 23 | 192 | Michael W. Ash, | do | Philadel'a - | 500 00 |
| 28 | 199 | Elias Kane, | do | Washing'n | 1,000 00 |
| 30 | 202 | George Loyall, | do | Norfolk - | 1,500 00 |
| Apr. 11 | 219 | Ditto | do | do - | 1,000 00 |
| 24 | 246 | Ditto | do | do - | 5,000 00 |
| 28 | 254 | Ditto | do | do - | 1,500 00 |
| May 2 | 264 | Elias Kane, | do | Washing'n | 1,175 29 |
| 2 | 295 | John N. Todd, | Purser | U. S. Navy | 1,322 24 |
| 12 | 299 | George Loyall, | Navy Agent | Norfolk - | 5,000 00 |
| 19 | 324 | Ditto | do | do - | 1,000 00 |
| 31 | 330 | Michael W. Ash, | do | Philadel'a - | 1,000 00 |
| June 13 | 349 | George Loyall, | do | Norfolk - | 500 00 |
| 17 | 359 | Michael W. Ash, | do | Philadel'a - | 1,000 00 |
| July 10 | 399 | George Loyall, | do | Norfolk - | 300 00 |
| 17 | 414 | Ditto | do | do - | 1,500 00 |
| 24 | 422 | James K. Paulding, | do | N. York - | 500 00 |
| Aug. 5 | 442 | George Loyall, | do | Norfolk - | 3,000 00 |
| 7 | 447 | James K. Paulding, | do | N. York - | 1,500 00 |
| 14 | 458 | George Loyall, | do | Norfolk - | 10,000 00 |
| 24 | 475 | Michael W. Ash, | do | Philadel'a - | 1,500 00 |
| 29 | 480 | Thomas Ap C. Jones, | Captain | U. S. Navy | 5,000 00 |
| 29 | 481 | George Loyall, | Navy Agent | Norfolk - | 10,000 00 |
| Sept. 12 | 502 | Ditto | do | do - | 3,000 00 |
| 12 | 503 | Thomas Ap C. Jones, | Captain | U. S. Navy | 8,000 00 |
| 28 | 522 | James K. Paulding, | Navy Agent | N. York - | 150 00 |
| 28 | 523 | Elias Kane, | do | Washing'n | 2,000 00 |
| Oct. 2 | 537 | James K. Paulding, | do | N. York - | 2,000 00 |
| | | Total amount drawn - - | | | $278,342 30 |

TREASURY DEPARTMENT,
*Fourth Auditor's Office, October 9, 1837.*
J. C. PICKETT, *Auditor.*

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*List of Officers ordered to the Exploring Expedition.*

| Rank. | Name. | Date. | To what ordered. | Remarks. |
|---|---|---|---|---|
| | | 1836. | | |
| Captain - | Thomas Ap Catesby Jones | November 16 | Macedonian. | |
| | | by Decem. 1 | | |
| Commander - | James Armstrong - - | November 11 | do | |
| Lieutenant - | Thomas A. Dornin - | September 29 | Storeship Relief. | |
| Assist't Surgeon - | James C. Palmer - - | 29 | do - | Revoked Novem'r 26, 1836. |
| Boatswain - | William Black - - | 29 | do | |
| Sailmaker - | Samuel V. Hawkins - | 29 | do | |
| Midshipman - | Daniel Ammen - - | 30 | do | |
| Lieutenant - | Josiah Tattnall - - | November 11 | Pioneer - | Detached, June 1, 1837. |
| Passed Midship. now Lieut. - | Stephen C. Rowan - | 11 | Relief. | |
| Lieutenant - | James Glynn - - | 11 | Consort. | |
| Passed Midship'n | David D. Porter - - | 15 | Relief - | Revoked, Novem'r 23, 1836. |
| Do - | Robert F. Pinkney - | 13 | do - | Revoked, Novem'r 29, 1836. |
| Do - | James H. North - - | 15 | do | |
| Do - | Charles W. Morris - | 15 | do - | Revoked, Novem'r 25, 1836. |
| Do - | Thornton A. Jenkins - | 16 | Schooner Pilot - | Revoked, December 1, 1836. |
| Do - | John B. Dale - - | 16 | Consort. | |
| Do - | George F. Emmons - | 16 | do | |
| Do - | E. T. Shubrick - - | 16 | do | |
| Do - | M. G. L. Claiborne - | 16 | do | |

LIST—Continued.

| Rank. | Name. | Date. | To what ordered. | Remarks. |
|---|---|---|---|---|
| Acting Mid'n - | Catesby Ap R. Jones - | 16 | Macedonian. | |
| Passed Mid'n - | Oliver Tod - - | 16 | Pioneer - - | Revoked, Novem'r 26, 1836. |
| Do - | Benjamin More Dove - | 16 | do | |
| Midshipman - | J. P. Sanford - - | 16 | do | |
| Lieutenant - | Henry W. Morris - | 16 | do - - | Detached, June 17, 1837. |
| Act. Gunner - | Thomas Robinson - | 19 | Explor'g expedition. | |
| Passed Mid'n - | A. Ludlow Case - - | 25 | Pioneer. | |
| Midshipman - | Nathan Barnes - - | 26 | do - - | Detached, Septem'r 6, 1837. |
| Lieutenant - | Jacob Crowninshield - | December 7 | Schooner Pilot - | Detached, January 19, 1837. |
| Acting Mid'n - | H. M. Granger - - | 12 | do - - | Resigned, April 28, 1837. |
| Do - | John K. Duer - - | 13 | Macedonian. | |
| | | 1837 | | |
| Do - | Henry Rolanda - - | January 2 | do - - | March 28, 1837, ordered to the Fairfield. |
| Act. Carpenter - | Lemuel R. Townsend - | 6 | do | |
| Acting Mid'n - | James L. Blair - - | 20 | do | |
| Do - | Edward Tattnall Nichols - | 26 | Explor'g expedition. | |
| Chaplain - | Walter Colton - - | 30 | do | |
| Lieutenant - | William L. Hudson - | 30 | Schooner Pilot - | Revoked, Febru'y 25, 1837. |
| Sailmaker - | Samuel B. Banister - | February 6 | Macedonian. | |
| Lieutenant - | George A. Magruder - | March 18 | do | |
| Do - | Samuel A. Lockwood - | 18 | do | |
| Do - | Thomas Turner - - | 18 | do | |
| Do - | Matthew F. Maury - | 18 | do - - | Furlough, March 21, 1837. |
| Do - | John Rudd - - | 18 | Schooner Pilot - | Revoked, March 29, 1837. |
| Act. Gunner - | Gustavus Newman - | April 4 | Macedonian. | |
| Acting Mid'n - | Foxhall A. Parker - | 4 | do | |
| Do - | William S. Weed - | 4 | Explor'g expedition. | |
| Surgeon - | B. Ticknor - - | 5 | do | |
| Do - | William Whelan - - | 14 | do - | Revoked, April 22, 1837. |
| Pas'd Ast. Sur. - | A. G. Gambrill - - | 14 | do - | Revoked, April 19, 1837. |
| Do - | Edward Gilchrist - - | 14 | do | |
| Assist. Surgeon - | John L. Fox - - | 14 | do | |
| Passed Mid'n - | H. J. Harstene - - | 14 | do | |
| Do - | William L. Maury - | 14 | do | |
| Do - | Robert F. Pinkney - | 14 | do | |
| Do - | E. W. Stull - - | 14 | do - | Detached Septem'r 2, 1837. |
| Do - | A. R. Taliaferro - - | 14 | Explor'g expedition | Resigned, July 15, 1837. |
| Do - | Joseph A. Underwood - | 14 | do | |
| Midshipman - | Thomas H. Patterson - | 14 | do - | Ordered to the Falmouth, June 27, 1837. |
| Acting Mid'n - | Israel C. Wait - - | 15 | do | |
| Past Asst. Sur. - | Samuel C. Lawrason - | 21 | do - | Revoked, May 2, 1837. |
| Do - | John C. Spencer - - | 21 | do - | Detached, June 22, 1837. |
| Acting Mid'n - | David Williamson - | 28 | do | |
| Asst. Surgeon - | Charles F. B. Guillon - | May 2 | do | |
| Midshipman - | Charles R. Smith - - | 3 | do | |
| Lieutenant - | William D. Newman - | 5 | Schooner Pilot. | |
| Asst. Surgeon - | John J. Abernethy - | 9 | Explor'g expedition. | |
| Do - | John S. Messersmith - | 9 | do - | Detached, Setem'r 2, 1837. |
| Lieutenant - | A. K. Long - - | June 8 | Macedonian. | |
| Midshipman - | George T. Sinclair - | 12 | Explor'g expedition. | |
| Do - | Samuel Smith - - | July 14 | do | |
| Lieutenant - | Samuel P. Lee - - | 19 | do | |
| Passed Mid'n - | William R. Postell - | 22 | do | |
| Acting Mid'n - | Archibald McRae - - | 22 | do | |
| Acting Gunner - | John D. Anderson - | August 7 | Pioneer. | |
| Act. Boatswain - | Henry Welton - - | 8 | Explor'g expedition. | |
| Passed Mid'n - | William S. Swann - | 24 | Exploring squadron. | |
| Act. Carpenter - | Thomas Johnson - - | 29 | do | |
| Do - | Sidney Porter - - | 29 | do | |
| Lieutenant - | Matthew F. Maury - | September 1 | do | |
| Purser - | William F. Speiden - | 4 | Report to Commo. Jones for duty. | |
| Passed Mid'n - | Richard C. Cogdell - | 6 | Explor'g expedition | Detached, Sept. 27, 1837, |
| Do - | George M. Totten - | 12 | Consort. | |

LIST—Continued.

| Rank. | Name. | Date. | To what ordered. | Remarks. |
|---|---|---|---|---|
| Passed Mid'n - | James W. E. Reid - | 12 | Consort. | |
| Lieutenant - | Guert Gansevoort - | 12 | do - | Revoked, Septem'r 21, 1837. |
| Do - | William G. Woolsey - | 12 | Schooner Active. | |
| Passed Mid'n - | James B. Lewis - | 21 | do | |
| Do - | Alonzo B. Davis - | 22 | do | |
| Acting Mid'n - | Henry H. Harrison - | 25 | Explor'g expedition. | |
| Acting Sailmaker | John Joins - | 26 | do | |
| Acting Mid'n - | John Downes, jun. - | October 5 | Macedonian. | |
| Passed Mid'n - | Richard S. Trapier - | 9 | Explor'g expedition. | |
| Act. Boatswain - | William Richmond - | – | Pioneer | Appointed by Commodore Downes in December, 1836, and approved by the Department. |
| Acting Gunner - | Oliver Nelson - - | – | do | |
| Act. Carpenter - | Amos Chick - - | – | do | |
| Act. Sailmaker - | Gilbert Bebe - - | – | do | |

## POST OFFICE DEPARTMENT.

*Letter from the Postmaster General transmitting a statement of receipts and disbursements. October* 14, 1837, *read, and laid upon the table.*

POST OFFICE DEPARTMENT,
*October* 13, 1837.

SIR: In compliance with a resolution of the House of Representatives, adopted on the 1st instant, and received by me on the 5th, I have the honor to submit the following report:

1st. There solution asks for "the balances now on hand, so far as ascertained, to the credit of the Department."

| | |
|---|---|
| The Department has in bank, exclusive of outstanding warrants - - | $444,629 41 |
| In the hands of postmasters, reported - | 334,580 39 |
| | 779,209 80 |

2d. "An estimate of the receipts and disbursements during the residue of the current year."

| | |
|---|---|
| The nett receipts of post offices for the quarter ending 31st December next, are estimated at - - - | $760,000 00 |
| The expenditures for the same quarter are estimated at - - - | 170,000 00 |

3d. "The aggregate amount received and disbursed by the Department, since the 1st day of May last, distinguishing the amount in specie from that in other funds."

| | |
|---|---|
| The amount deposited in bank since the 1st day of May last is - - - | $124,370 62 |
| The amount reported as received by draft offices - - - - | 544,812 87 |
| The amount received by contractors from collection offices during the quarter ending 30th September last was - | 237,970 38 |
| The amount received in the same manner during the months of May and June, being a fraction of a quarter, cannot be ascertained without taking more time than the present session of Congress will allow, but it is estimated at - - - - - - | 50,000 00 |
| Total receipts - | 1,057,153 87 |

The disbursements have been:

| | |
|---|---|
| By warrants on banks - - - | $452,524 35 |
| By drafts on postmasters - - | 178,832 89 |
| By collections from postmasters without drafts, in part estimated - - | 387,970 38 |
| Total disbursements | 1,019,327 62 |

It is not possible to distinguish the amount received or disbursed in specie from that in other funds. Of the deposites in bank, it is presumed that the greater part was in bank notes, having been made before the suspension of specie payments. The Department has no report of the funds in which warrants on banks have been paid. It is understood that five banks have continued to pay its warrants in specie since the suspension, and have so paid $28,289 62. There has also been paid by the Bank of the Metropolis the sum of $35,426 71 in specie, which was specially deposited.

It is probable that most of the balance, as well since as before the suspension, has been paid in bank notes. If so, they have been received by the creditors of the Department of their own choice; for all warrants on banks returned with proof of refusal to pay in the legal currency of the United States, have been promptly paid in gold and silver. No drafts on postmasters, drawn for the purpose of paying balances due contractors, have been returned for refusal to pay in gold and silver, and it is not doubted that nearly the whole amount has been paid in that currency. In that currency, also, the collections by contractors have generally been made. That there are many exceptions in the ten thousand post offices from which the contractors collect, is very probable; but only nine postmasters have been reported to the Department for refusing to pay in gold or silver, and their aggregate quarterly balances do not exceed $1,525. Eight other cases are reported, involving about $1,600, in which bank notes had been received by district attorneys and others for old debts due the Department. In some of these cases the notes or certificates of deposite have been returned, in others retained, because there was a bad prospect of getting any thing else.

4. "The regulations touching the funds to be received and disbursed, if any, other than those already communicated."

No regulations not already communicated have been issued.

5. "The instances in which those regulations have been disobeyed or dispensed with."

In no instance have the regulations relative to receipts and disbursements in the legal currency of the United States been "dispensed with."

There is no law or regulation expressly requiring postmasters to *collect* postages in specie or its equivalent. Gold and silver constitute by law the currency of the United States, and the standing regulations inform postmasters that they will be responsible for that currency or its equivalent, and that no credit will be given them for depreciation of bank notes or for counterfeits. Before the late suspension of specie payments, the postmasters took bank notes on their own risk, being required to account for the legal currency. The ten thousand collection offices remain on the same footing still, and the only change made by the circular of May 13, 1837, to the draft offices, was to prevent further deposites in banks. To ensure greater certainty in meeting the drafts of the Department, they were required to *retain* the amount due *in specie*. The former regulations in reference to collections were not changed. The cases where postmasters have been reported for refusal to pay specie on demand, are rather violations of law than of the regulations of the Department, and are so treated.

6. "Separate statements of the aggregate amounts left in the hands of collecting officers, paid into the Treasury, and deposited in bank, the mint and its branches, or other depositories, since the date first mentioned."

The amount left in the hands of postmasters since the first of May, most of which would have been deposited in banks under the former system, is $544,812 87.

The amount deposited in bank, as exhibited above, is $124,370 62.

No deposites have been made by this Department in the mint or its branches, or in other depositories, nor has any thing been paid into the Treasury.

In further explanation of the operations of this Department since the suspension of specie payments by the banks, it is proper to add, that the notes of those institutions, though to some extent tolerated by law in the transactions of the Government as long as redeemable and redeemed in gold and silver, are expressly prohibited to its use when no longer so redeemed; that it was in obedience to the law that this Department, on the suspension of the banks, took prompt measures to prevent their receipt and avoid their disbursement in its own operations; that the suspension of payment by the banks occurred in the month of May, one of those months in which the quarterly balances due to contractors are chiefly paid off; that the entire available means of the Department for that purpose were deposited in the banks; that the Department had no alternative but to continue its warrants on the banks, or stop payment altogether; that inasmuch as the bnaks had given no notice of an intention to refuse gold and silver or their equivalent in paying out the deposites of the Department, it was considered no violation of law to draw on them as if nothing had occurred; for that reason, as well as to avoid an absolute stoppage of payment, and gain time to accumulate a specie fund, the issue of warrants on banks was continued, but instant steps were taken to provide a specie fund for the payment of such as might be returned with proof of the refusal of the banks to pay them in gold and silver; by the time they began to return, the Department had an ample fund for their payment, and in every instance they have been paid in the legal currency of the United States. By these means, without sanctioning or countenancing the receipt or disbursement of depreciated bank notes, this Department has been enabled thus far to outride the storm, with its credit unimpaired, and is confident in its capacity to carry on its operations, according to existing laws, receiving and disbursing gold and silver only.

Very respectfully,
Your obedient servant,
AMOS KENDALL.

Hon. JAMES K. POLK,
*Speaker of the House of Representatives.*

## MISSISSIPPI ELECTION.

SEPTEMBER 25, 1837.

Read, and the consideration thereof postponed until Wednesday next.

Mr. BUCHANAN, from the Committee of Elections, to whom was referred the resolution of the House of the 18th instant, on the subject of the Mississippi election, have had the same under consideration, and report:

They find a clause in the constitution of the United States as follows: "When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies." They also find that, by the same instrument, "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof."

They also find certain sections extracted from a law of the State of Mississippi, in the following words:

"An act to regulate elections in this State. Approved March 2, 1833.

"Sec. 1. *Be it enacted by the Legislature of the State of Mississippi*, That all elections for Representatives to the Legislature shall be held at the court-houses or places of holding courts in the several counties of this State, unless otherwise specially provided for by law. And the times of holding such election shall be the first Monday and day following in November biennially. And all elections for Senators in the Legislature, for Governor, Representatives to Congress, sheriffs, coroners, and all other State and county officers directed by the constitution to be biennially elected, shall be held at the same places and on the same days of the year in which they are respectively chosen, as are therein directed in the case of Representatives to the Legislature.

"Sec. 2. The sheriff of each county in this State shall, at least thirty days previously to the time for holding any election in his county, by advertisement, set up at the door of the court-house and three other public places in his county, notify the inhabitants of the time and place or places of such elections, and what offices are to be filled by such election; and the sheriff, on the days of election, shall open the poll at ten o'clock in the morning and continue the same open until four o'clock in the evening of each day, and no longer. In case a vacancy happen, and a writ of election shall be issued to the sheriff, the sheriff shall advertise the said election, and give a time as near the thirty days as the period of elections will allow, provided it be not less, in any case, than ten days."

"Sec. 7. The Representatives to Congress from this State shall be elected by the qualified electors, at the time of choosing Representatives to the Legislature, once in every two years, to be computed from the first Monday in November, in the year 1833; and the returning officer in each county shall, within fifteen days after each election, certify under his hand and seal to the Secretary of State the whole number of votes given in his county to each candidate for Congress; and it shall be the duty of the Secretary of State to sum up the whole number of votes thus returned, and declare the candidates elect, who may have the greatest number of votes, by publication in some newspaper published at or nearest to the seat of Government. It shall be the duty of the Governor to deliver to the persons duly elected proper credentials, under his hand and the great seal of the State, which shall entitle them to a seat in the body of which they are elected members."

"Sec. 10. All elections for Governor, Representatives to Congress, sheriffs, and other county officers, shall be held and conducted in the same manner; provided, that the returns for every election for Governor shall be made in the manner prescribed in the constitution."

The committee further find that the Governor of the State of Mississippi issued writs of election in form as follows, viz:

"*By Charles Lynch, Governor of the State of Mississippi, to the Sheriff of ——— county, greeting:*

"Whereas the President of the United States has convoked Congress to meet on the first Monday of September next; and whereas a vacancy has occured in the representation of the State of Mississippi in the House of Representatives of the Congress of the United States, by the expiration of the term of service for which Messrs. Claiborne and Gholson were elected:

"I do therefore issue this writ, authorizing and requiring you to hold an election in your county on the third Monday and day following in July next, for two Representatives to Congress, to fill said vacancy, until superseded by the members to be elected at the next regular election on the first Monday and day following in November next; and I do moreover enjoin you to conduct the same, in all respects, conformably to law, and make due return thereof to the Secretary of State. In testimony whereof, I have hereunto set my hand and caused to be affixed the great seal of State, at the town of Jackson, this 13th day of June, 1837."

It appears by a certificate of the Secretary of State, that elections were held in fifty of the counties of the State of Mississippi, the result of which was, that the sitting members were elected by large majorities.

From a consideration of the foregoing documents and circumstances, it would seem as if the people of Mississippi had a fair and full opportunity of expressing themselves as to who should represent them in the twenty-fifth Congress. No objection is made from any quarter to the right of the gentlemen elect to their seats, only by and through themselves; on account of the peculiar circumstances under which the election was held, their own delicacy and sense of propriety have prompted them to invite a scrutiny into their right to seats in this House. In the course of the scrutiny and investigation, the attention of the committee had been called to two points, which are supposed to comprehend the only possible objections to the retention of their seats by the sitting members. The first point is, that clause of the writ issued by the Governor, wherein the election is directed to be held for two Representatives in Congress, to fill the vacancy until superseded by the members to be elected at the next regular election, on the first Monday and day following, in November next. The committee are (with one exception) of opinion, that in attempting to restrict the term of service of the members to be elected at the special election ordered as before stated, till the next regular election in November next, the Governor transcended his powers. The gentlemen elected are members for the whole unexpired term of the 25th Congress, or they are not members at all. The question then recurs—Did that illegal and restricting clause in the writ, invalidate the election? The committee were almost unanimous in the opinion, that, inasmuch as the writ was perfect in itself, without that clause, its being there does not invalidate the election held under it, but may fairly be rejected as surplusage: reject this as surplusage, then the writ is good, and the objection amounts to nothing.

But the second objection, which would seem to be more formidable, involves the question whether, in the purview and meaning of the constitution, such vacancy in the representation of the State had happened as would justify the Governor in authorizing a special election to fill it. On this question the committee were divided. A majority of them were of opinion that a vacancy existed, and such a vacancy as was pregnant with all the evils which could arise from a vacancy happening in any other manner; and as the words of the constitution are broad enough to embrace the existing case, there is no good reason why, in giving them a practical construction, they should not be considered applicable as affording a remedy in this case as well as those arising from death or resignation. It is evident that all the evils arising from vacancies by death or resignation would exist in a vacancy produced by the expiration of the term of members prior to the election of their successors; and as the words used by the framers of the constitution will fairly admit of the construction contended for, we are not at liberty to say the remedy prescribed was not intended for this case. On the contrary, the committee are of opininion that the constitution authorizes the Executive power of the States respectively to order the filling of all vacancies which have actually happened, in the mode therein pointed out, no matter how the vacancy may have happened, whether by death, resignation, or expiration of the term of members previous to the election of their successors. The word "happen," made use of in the constitution, is not necessarily confined to fortuitous or unforeseen events, but is equally applicable to all events which by any means occur or come to pass, whether foreseen or not; and as in this case confessedly the vacancy existed, it may properly be said to have happened, although the means or circumstances by which it was brought about may have been foreseen. With these veiws, fortified by many others which might be advanced, a majority of the committee have agreed on the following resolution, and instructed their chairman to report the same to the House:

*Resolved*, That SAMUEL J. GHOLSON and JOHN F. H. CLAIBORNE are duly elected members of the 25th Congress, and, as such, are entitled to their seats.

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[*To be appended to the above.*]

ATTORNEY GENERAL'S OFFICE,
*July* 19, 1832.

SIR: In obedience to your direction, I proceed to state my opinion in relation to the appointment of a register of the land office for the Mount Salus district, in the State of Mississippi.

The facts in the case I understand to be these: After the adjournment of Congress on the 3d day of March, 1831, and before their meeting in December of the same year, a vacancy occurred in the above-mentioned office of register, and Samuel Gwin was appointed to fill it. During the late session of Congress, he was regularly nominated to the Senate, and rejected by them. The President having afterwards received strong testimonials in his favor from the State of Mississippi, and being requested by one of the Senators from that State to renominate him, his name was again sent to the Senate, with the additional recommendations which had been forwarded to the President. The second nomination was made on the 11th of June last. It was considered on the 10th of July, and laid on the table, and on the 16th of July, the last day of the session, the following resolution was moved and considered:

"*Resolved*, That the President of the United States be informed that it is not the intention of the Senate to take any proceeding on the renomination of Samuel Gwin to be register of the land office at Mount Salus, in Mississippi, during the present session."

This resolution was ordered to lie on the table, and the Senate adjourned without taking any further order in the matter.

In this state of things, can the President, during the recess, appoint Mr. Gwin, or any one else, to the office before-mentioned?

The office was created by the act of Congress of May 6, 1822. As the President is required by the constitution to take care that the laws be faithfully executed, it becomes his duty to fill the offices which are necessary and

have been legally established for that purpose, provided the constitution confers on him the power.

The constitution gives him the right "to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session."

The appointment of Mr. Gwin, during the last recess, "filled up" the vacancy which had then happened, and the office remained full, and there was no vacancy from the time of his appointment and acceptance until the close of the late session. The nomination made, not being confirmed by the Senate, the commission granted by the President expired at the end of the session, and the moment after it closed the office again became vacant. This was a new vacancy.

Has this second vacancy happened during the recess of the Senate, so as to authorize the President to fill it, under the grant of power contained in the article of the constitution above referred to?

It has, I know, been contended that, in order to enable the President to make the appointment, the vacancy must take place during the recess. In other words, that the office must be full at the time of the adjournment of the Senate, and become vacant afterwards.

I cannot think that this is the true interpretation of the article in question. *The constitution was formed for practical purposes, and a construction that defeats the very object of the grant of power cannot be a true one.* It was the intention of the constitution that the offices created by law, and necessary to carry on the operations of the Government, should always be full, or, at all events, that the vacancy should not be a protracted one. A Government cannot go on, nor accomplish the purposes for which it is established, without having the services of proper officers to execute the various duties required by law. To guard against any abuse of the appointing power by the President, the approbation of the Senate is required. But as it was foreseen, from the various contingencies and uncertainties to which human affairs are liable, vacancies might be found to exist during the recess of the Senate, in offices which the public interest required to be filled, the power above-mentioned was given to the President in order to provide against the evil of requiring a vacancy to continue in every case until the Senate could be convened; and the further evil of calling them together upon every one of the vacancies which might expectedly be found to exist during the recess. But the control of the Senate over appointments to such vacancies is effectually preserved by the limited term for which the President is authorized to make them.

Suppose an officer to die in a distant part of the United States, and his death not to be known in Washington until after the adjournment: must the office remain vacant until the Senate can be convened? It is admitted by every one that the President may appoint in such cases, and the practice of the Government has continually conformed to that construction. But if the constitution required that the office should be full at the time of the adjournment, and that the vacancy should take place afterwards, then the President could not appoint, for in the cases above mentioned, the vacancy happens during the session, and the office is not full at the time of the adjournment. It becomes vacant the moment the incumbent dies, and the notice does nothing more than inform the President that a vacancy has happened, and it informs him at the same time that it took place while the Senate was in session, and not during the recess.

I am aware that it has been said that in these cases the vacancy must be regarded as happening when the notice of the death is received, and that therefore such a vacancy is to be considered as happening after the adjournment and during the recess. But how can it be so considered in opposition to the admitted fact? There are no words in the constitution that justify such an interpretation. It does not speak of the *notice* of a vacancy, but of the *existence* of a vacancy. It does not say, if a vacancy shall become known, but if a vacancy shall "*happen*;" and if the words of the constitution give the power to fill those vacancies only which take place after the adjournment, then the vacancies I have just mentioned could not be filled.

It is manifest, however, that the constitution could not have intended to place such cases on a different footing from vacancies which occur after the adjournment. There is no reason for a distinction between them. And the words used in the constitution do not, I think, by any fair construction, require a distinction to be taken. It was intended to provide for those vacancies which might arise from accident, and the contingencies to which human affairs must always be liable. And *if it falls out* that, from death, inadvertence, or mistake, an office required by law to be filled, is in the *recess found to be vacant*, then a vacancy has happened in the recess, and the President may fill it. This appears to be the common sense and natural import of the words used. *They mean the same thing as if the constitution had said, "if there happen to be any vacancies during the recess."* The framers of the constitution had provided for the filling the offices, with the concurrence of the Senate: but foreseeing that, from the various casualties to which human concerns are exposed, vacancies would be found during the recess, they give power to fill them, until an opportunity can be afforded of bringing the appointments before the Senate—and they use words which denote the character of the vacancies which they foresee may occur, and for which they are providing. He may fill up vacancies which "happen" during the recess. But vacancies are not *designedly* to be kept open by the President, until the recess, for the purpose of avoiding the control of the Senate. And the word "happen" is used to describe the class and kind of vacancies, and not the particular time at which they took place.

I might suggest another case, showing that the restricted construction contended for cannot be the one contemplated by the framers of the constitution. Suppose a nomination made to a vacant office, and confirmed by the Senate: the office is not full until the person appointed accepts. Suppose he refuses to accept, and his refusal is not known until after the adjournment: in such a case the original vacancy would remain unfilled; and as it took place during the session, and not after the adjournment, the President could not fill it. It cannot be imagined that such cases were intended to be excepted out of the power granted to him.

It has been said that this power, if possessed by the President, may be so used as to defeat the intention of the constitution, and exclude the Senate from all share in appointments. The answer to such an objection appears to be a plain one. If the President wilfully abuses a power given to him, the constitution has provided a remedy. In this case the Senate have had a full opportunity of acting, but have not acted, and have held the nomination under advisement, and left it to fall vacant as soon as they adjourned. They must be supposed to have had sufficient reasons for keeping the nomination in their power, and suspending their action upon it. The President could not nominate another person for the same office until this was disposed of, and was either withdrawn by him or finally acted on by the Senate. And as the Senate have had an opportunity of acting, but have determined to suspend their decision, I cannot see how an appointment, now made by the President, can be supposed to interfere with the rights of the Senate. There is nothing in the case that can be construed into a desire to avoid their constitutional control.

If, however, the restricted interpretation contended for

were admitted, still, in the case before me, the President would have the right to appoint. The vacancy did take place in the recess. The former appointment continued during the session, and there was no vacancy until after they adjourned. The vacancy followed the adjournment; and whether it took place immediately afterwards or at a distant interval can make no difference. If it took place after the adjournment, it happened during the recess, according to the narrowest interpretation proposed to be given to the article; and consequently, even in that view of the subject, the President has a right to fill it.

I do not, however, desire to place my opinion on this ground; but upon what I believe to be the true construction of the constitution, as before stated.

In the case of Amos Binney, Mr. Adams must have proceeded on the same construction of the constitution with the one I have given.

The commission of Amos Binney, as navy agent of the port of Boston, expired by operation of law on February 15, 1825, during the session of Congress. He was nominated for the same office February 28, 1825. The session closed on the 3d of March, and the Senate adjourned without acting on the nomination. They were convened on the 4th of March, 1825, by the summons of the President—and on the 7th, Mr. Binney was again nominated. On the 9th this nomination was postponed by the Senate to the first Monday in December following; and they adjourned on the same day, leaving this vacancy unfilled. On the 22d of March, 1825, during the recess, Mr. Binney was appointed by the President to the office above mentioned.

Here, then, was a vacancy which occurred during the session—was known to have taken place—was left unfilled at the close of the session, and was afterwards, during the recess, filled up by the President. I know of no precedent in favor of the opposite construction. And as a vacancy in the office of register of the land office for the Mount Salus district, until the next meeting of Congress, would produce serious inconvenience to the public, and the vacancy is, in my judgment, one of that character which the constitution contemplated in the grant of power before mentioned, I respectfully advise that the appointment be made.

I am, sir, with the highest respect, your obedient servant, R. B. TANEY.

P. S. Since the aforegoing opinion was prepared, I have caused the records of my office to be examined in order to ascertain whether this subject had been brought before any of my predecessors; and I find an opinion given by Mr. Wirt, when he was Attorney General, dated October 22, 1823, and while Mr. Monroe was President, in which he gives to the constitution the same construction that I have placed on it—and advised the President that he had a right to fill any vacancies which "*happen to exist*" during the recess, although the vacancy took place while the Senate was in session, and continued at the time of the adjournment.

To the PRESIDENT.

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OFFICE OF THE ATTORNEY GENERAL, U. S.,
*October* 22, 1823.

SIR: Under the act of the 15th May, 1820, "to limit the term of office of certain officers named therein," &c., I find that General Swartwout's commission, as navy agent at New York, expired during the last session of the Senate. Your nomination of another person to fill that vacancy was not confirmed by the Senate, and the vacancy still exists.

It is the case, then, of a vacancy which arose during the session of the Senate, but which, from what has been mentioned, continues to exist in the recess. The question on which you ask my opinion, is, whether, under the constitution, you can fill the vacancy by a commission to expire at the end of the next session?

The provisions of the constitution on this subject are—

1. That the President shall nominate, and by and with the advice and consent of the Senate shall appoint, all officers, &c.

2. That the President shall have the power to fill up all vacancies that "may *happen* during the recess of the Senate, by granting commissions, which shall expire at the end of their next session."

Had this vacancy *first occurred* during the recess of the Senate, no doubt would have arisen as to the President's power to fill it. The doubt arises from the circumstance of its having *first occurred* during the session of the Senate. But the expression used by the constitution is "*happen*"—all vacancies that may *happen* during the recess of the Senate. The most natural sense of this term is "*to chance*—to fall out—to take place by accident." But the expression seems not perfectly clear. It may mean "happen to take place," that is "*to originate;*" under which sense the President would not have the power to fill the vacancy. It may mean also, without violence to the sense, "happen to exist;" under which sense the President would have the right to fill it by his temporary commission. Which of these two senses is to be preferred? The first seems to me most accordant with the letter of the constitution; the second most accordant with its reason and spirit.

The meaning of the constitution seems to me to result in this: that the President *alone* cannot make a *permanent appointment* to those offices; that to render the appointment *permanent*, it must receive the consent of the Senate, but that whensoever a vacancy shall exist which the public interest requires to be immediately filled, and in filling which the advice and consent of the Senate cannot be immediately asked, because of their recess, the President shall have the power of filling it by an appointment, to continue only until the Senate shall have passed upon it; or, in the language of the constitution, till the end of the next session.

The substantial purpose of the constitution was to keep these offices filled, and powers adequate to this purpose were intended to be conveyed. But if the President shall not have the power to fill a vacancy thus circumstanced, the powers are inadequate to the purpose, and the substance of the constitution will be sacrificed to a dubious construction of its letter.

Put the case of a vacancy occurring in an office held in a distant part of the country, on the last day of the Senate's session: before the vacancy is made known to the President the Senate rises. The office may be an important one. The vacancy may paralyze a whole line of action in some essential branch of our internal police. The public interests may imperiously demand that it shall be immediately filled. But the vacancy happened to occur during the session of the Senate, and if the President's power is to be limited to such vacancies only as happen to occur during the recess of the Senate, the vacancy, in the case put, must continue, however ruinous the consequences may be to the public. Cases of this character might be easily multiplied; and it would seem to be highly desirable to avoid a construction which would produce effects so extensively pernicious, if it can be done with a just respect to the language of the constitution.

Now, if we interpret the word "*happen*" as being merely equivalent to "happen to exist," as I think we may legitimately do, then all vacancies, which from any casualty happen to exist at a time when the Senate cannot be consulted as to filling them, may be temporarily filled by the President, and the whole purpose of the constitution is completely accomplished. The casualty which has prevented the co-operation of the Senate, may be such as in the case hypothetically stated above. It may arise from various other causes: the sudden dissolution of that body by some convulsion of nature; the falling of the building in which they hold their sessions; a sudden and destructive

pestilence disabling or destroying a quorum of that body; such an invasion of the enemy as renders their reassemblage elsewhere impracticable or inexpedient, and a thousand other causes which cannot be foreseen. It may arise, too, from rejecting a nomination by the President in the last hour of their session, and inadvertently rising before any nomination can be made. In all these cases there is no guilt either on the part of the Senate or of the President. But by some casualty the vacancy happens to continue and to exist in the recess: and the public good, nay, even the safety of the nation, may require it forthwith to be filled. Looking to the reason of the case, why should not the President have the power to fill it? In reason, it seems to me perfectly immaterial when the vacancy first arose; for whether it arose during the session of the Senate, or during their recess, it equally requires to be filled. The constitution does not look to the moment of the origin of the vacancy, but to the state of things at the point of time at which the President is called on to act. Is the Senate in session? then he must make a nomination to that body. Is it in recess? then the President must fill the vacancy by a temporary commission.

This seems to me the only construction of the constitution which is compatible with its spirit, reason, and purpose, while, at the same time, it offers no violence to its language; and these, I think, are the governing points to which all sound construction looks.

The opposite construction is, perhaps, more strictly consonant with the mere letter. But it overlooks the spirit, reason, and purpose; and, like all constructions merely literal, its tendency is to defeat the substantial meaning of the instrument, and so produce the most embarrassing inconveniences.

The construction which I prefer is perfectly innocent. It cannot possibly produce mischief without imputing to the President a degree of turpitude entirely inconsistent with the character which his office implies, as well as with the high responsibility and short tenure annexed to that office; while, at the same time, it insures to the public the accomplishment of the object to which the constitution so sedulously looks, that the offices, connected with their peace and safety, be regularly filled.

I have the honor to remain, sir, very respectfully, your obedient servant, WM. WIRT.

The President *of the United States.*

## NATIONAL BANK.

*Memorial of the Chamber of Commerce of New Orleans, in the State of Louisiana, praying for the establishment of a National Bank. September* 12, 1837, *referred to the Committee of Ways and Means.*

*To the Senate and House of Representatives of the United States of America in Congress assembled:*

The memorial of the New Orleans Chamber of Commerce respectfully represents:

That the deplorable condition of the currency, and the consequent depressed state of the commercial and other great interests of the country, have induced your memorialists to inquire into the causes which have led to this result, with the view of ascertaining such remedial measures as it may be in the power of Congress to apply; with a firm reliance that the wisdom and patriotism of the representatives of the nation will insure that mature consideration of this important subject, and will induce such action as will relieve our country from the unprecedented embarrassment under which it now suffers.

In submitting the views of the Chamber of Commerce of New Orleans on the subject, it is deemed proper to take a retrospective view of the condition of this country during the existence of the late National Bank, and also of its condition since the extinction of said bank under the State bank system.

During the former period, the prudential course of policy pursued by that institution preserved the great interests of the country generally in a sound and healthful state; property had a gradual and natural upward tendency; agriculture, manufactures, and commerce were in a flourishing condition; extravagant speculations were rarely entered into, or, if entered into, were speedily checked by the wholesome restrictive power judiciously exercised by the bank; the sales of the public lands were proportionate with the natural demand consequent on the increase of population and wealth; the national revenues, increasing from the same causes, were collected and disbursed throughout our extended territory without expense and without loss.

Among other advantages that experience has proven were derived from this institution, the following may be adduced:

1st. Its circulation had such universal confidence that it could be, and was, rendered practically useful for all commercial and domestic purposes, from one extreme of the Union to the other, at its nominal value, without any discount whatever.

2d. It regulated, on safe and equitable principles, the course of domestic and foreign exchanges; by the former, the people were enabled to transmit funds from one distant place to another at a reasonable charge; and, by the latter, it checked the export of the precious metals, when the rate of premium, owing to large importations of foreign merchandise, or other causes, was advancing so as to tempt their exportation.

3d. Its discounts of local business paper were generally fully adequate to the legitimate wants of the community; and its aid, in this respect, was often interposed when the then comparatively few State banks were unable to give the needful assistance.

4th. Its vast means, in consequence of the universal confidence in its emissions, enabled it to expand during those periods of commercial pressure that are unavoidable, and that cause a rapid contraction of the means of local banks, at the time their aid is most required by the community.

5th. It exercised a wholesome check on the emissions of the State banks, whenever these emissions were excessive, and were tending to introduce a spirit of dangerous speculation.

6th. Pending the existence of the National Bank, manufactures of all kinds, raw produce, &c., generally bore a value about commensurate with the proportion of supply and consumption; consequently, investments made therein were comparatively safe to the parties concerned, and, therefore, to the public at large.

In the year 1830 the opinion generally obtained that the charter of the Bank of the United States would not be renewed, and, in 1832, the veto of the President confirmed that opinion: measures were then taken by Government to increase the metallic circulation, by augmenting the value of gold beyond the standard adopted by other nations. In consequence of these steps the public mind was directed, with intense interest, to the course which it would be proper to pursue, in order to supply the diminished facilities that would result from the extinction of the National Bank. A new impetus was given to the creation of State banks, until their number was increased from 329, in 1830, to 823, in 1837, making an additional number of 494; while from 1816 to 1830, a period of fourteen years, the increase had been only 83.

The State banks, relieved from the restraining power so judiciously exercised by the National Bank, accorded unreasonable and indiscriminate credits, and increased the paper circulation of the country one hundred and twenty-five millions of dollars; a feverish impulse was given to all classes of society; an unnatural rise occurred in all species of property; the sales of public lands were increased from

$2,300,000, in 1830, to $24,500,000 in 1836; an entire derangement of the currency, as well as of the courses of foreign and domestic exchanges, ensued, until finally, at the close of 1836 and early in 1837, the banks of Europe, finding a great diminution of the precious metals in their vaults, principally caused by the influence of the "gold bill" and the "Treasury circular," began to direct restrictive measures against those who were, either directly or indirectly, concerned in the commerce of this country.

When this restrictive policy was made known in the United States, uneasiness and alarm exercised their influence on the minds of the community, and as all subsequent intelligence from Europe only tended to increase this alarm, the State banks, throughout the country, became panic-struck, and commenced a course of curtailment, thereby rapidly reducing the value of property of all descriptions, and depriving their debtors of the means of meeting promptly their engagements; engagements which had been induced by the indiscreet prodigality of these very banks themselves, and who were finally, with a few isolated exceptions, compelled to suspend specie payments.

Your memorialists, in illustration of their views, respectfully submit a statement of the rates of domestic and foreign exchanges at New Orleans, during the ten years preceding the expiration of the charter of the Bank of the United States, and those which rule at the present time, and a statement of the rates of discount on State bank paper other than that of Louisiana, with the rates of premium on United States Bank notes; they have also added a comparative view of the rise in the value of property during the existence of the national bank and since its extinction.

| Description of property. | During the existence of the U. S. Bank, from 1827 to 1836. | From the expiration of the charter of the U. S. Bank to 13th May, 1837, in currency. | From the 1st July to the 1st August, 1837, in currency. |
|---|---|---|---|
| Average on domestic bills | 4 a 1 discount. | 1 a 4 discount. | 3 a 15 discount. |
| Do foreign do | 7 a 9 premium. | 9 a 13 premium. | 24 a 26 premium. |
| Bank sight checks | Par a 1 premium. | 3 a 4 premium. | 6 a 10 premium. |
| Specie | - - - | 2 a 3 premium. | 12 a 20 premium. |
| Bank United States notes | Par a 1 premium. | Par to 3 premium. | 8 a 10 premium. |
| State bank notes out of the State whence issued | Par a 5 discount. 5 a 10 annually on good productive property; little demand for any other. | 4 a 10 discount. 25 a 200 in about 18 months; property of little or no intrinsic value, the subject of enormous speculation at most extravagant prices. | 10 a 25 discount. Value almost nominal. |
| Real estate | | | |
| Rise in value | | | |

The foregoing facts seem to your memorialists to demonstrate clearly—

1st. That the State banks without the control of a National Bank, are incapable of sustaining a well-regulated currency, and of furnishing a medium of negotiating the foreign and domestic exchanges of the country; and experience has, besides, shown their utter inability to perform the duties of fiscal agents for the collection and disbursement of the Government revenues.

2d. That the want of a national and uniform currency is most severely felt by all classes of the community, and bears with peculiar hardship on the poor, by increasing the cost of all the necessaries of life, while the loss attending the transmission of funds from one part of the Union to another, is most oppressive on the internal commerce and manufactures of the country.

3d. That an uncontrolled system of banking, by giving an unnatural and most artificial value to property, produce, and manufactures, operates most unfavorably on the happiness and prosperity of the people.

Your memorialists, after the most mature consideration, and guided in forming their opinion by long experience, beg leave most respectfully to call the attention of Congress to the importance of establishing without delay a National Bank, with branches, in the basis of the charter of the late Bank of the United States, with such modifications and restrictions as the wisdom and experience of the enlightened representatives of the nation may suggest; the early action of Congress being more important, in order that the banks throughout the Union may speedily be enabled to resume specie payments, which, in the opinion of your memorialists, cannot be effected until a National Bank is established.

In submitting this memorial and its important object to the consideration of Congress, your memorialists beg leave further to state, that they have been impelled to address you in consequence of the intimate and important connexion between the commercial interests of New Orleans and the agricultural interests of more than half the States of the Union, a moiety of the whole exports of the domestic produce of the United States being shipped from this city; the deep interest they therefore feel in the adoption of a measure by which the exchanges of the country may, at all times, be negotiated on terms favorable to the agricultural interests, on the prosperity of which our city is so dependent, induces them to believe that their prayer will be favorably received; and they, as in duty bound, will ever pray, &c.

SAMUEL J. PETERS, *President.*

## NATIONAL BANK.

*Memorial of 3,355 merchants and traders of the city of New York, for the creation of "a Specie-paying National Institution." September 28, 1837, read, and laid upon the table.*

*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

The memorial of the subscribers, merchants and traders in the city of New York, in the State of New York, respectfully represents:

That, in the midst of profound peace, embarrassed by no great political struggles, surrounded by all the elements of prosperity, we find our country involved in financial ruin; the hand of industry arrested; all harmony and concert in our monetary operations destroyed; all interchanges of property impeded; all internal exchanges embarrassed, and the whole nation forced to the desperate resort of a suspension of specie payments. Thus are contracts ren-

dered insecure, public and private faith violated, the value of property unsettled, and the people exposed to the imposition of uncontrolled issues of irredeemable State bank notes. In addition to these disasters, new enterprises, which would furnish profitable employment to the laborer, the mechanic, and the agriculturist, are prevented; and, in fine, general confidence, which, judiciously guided and controlled, is the safe basis of agricultural and commercial prosperity, annihilated.

Your memorialists confidently avow the belief, that the only remedy for these accumulated evils is within the jurisdiction of your honorable bodies; that it exists in the creation of a specie-paying national institution, obligated to perform such fiscal duties as may be required by Government, and whose energies and resources shall chiefly be directed to the collection of moneys, and furnishing of drafts on all parts of the United States, so as to effect an equalization of exchanges throughout the country. Such an institution, by extending its prosperous influences to the threshold of every citizen, would, your memorialists believe, prove a national blessing.

In the creation of such an institution, two great objects, intimately connected with the well-being of the nation, would, in the judgment of your memorialists, be attained:

1. A resumption of specie payments, without which no safe standard of value can exist.

2. An equalization, so far as practicable, of the exchanges of the United States.

As to the power of the Government to organize such an institution, no doubt, it is presumed, can now be entertained. It was exercised during the administration of Washington, and has received in some form, more or less direct, the sanction of all his successors.

Your memorialists accordingly request that Congress will create such an institution as is herein suggested, by which great advantages will be conferred on the country, while the rights of the General Government and of the States may at the same time be scrupulously protected from encroachment and injury.

And your memorialists, as in duty bound, will ever pray.

New York, *September* 18, 1837.

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## MODE OF COLLECTING THE REVENUE IN GREAT BRITAIN AND FRANCE.

*September* 14, 1837, *submitted by the chairman of the Committee of Ways and Means, and ordered to be printed.*

*Mode in which the revenues of Great Britain are carried into the Exchequer.*

The public revenue of Great Britain is gathered from the people by a class of officers termed collectors, except the stamp duties, which are collected by distributors of stamps.

The money when so collected is paid over to a superior class of officers called receivers general, by whom it is paid into the Exchequer.

The office of receiver general is one of high antiquity, and is recognised as being in existence by many ancient statutes. Originally it probably designated the receivers of the Crown rents and feudal charges, which constituted so great a portion of the ancient royal revenue. Until the Commonwealth, the revenues arising from subsidies, ship money, &c., were collected by the sheriffs of the several counties; but since the restoration, most of the payments into the Exchequer have been made through the receivers general. At present there are receivers general for each distinct branch of the royal revenue.

For the *land tax*, there is one who is stationed at London, to whom the collectors of this branch pay or remit the sums collected at specific periods.

For the *assessed taxes*, *excise*, &c., there are fifty for England, and one for Scotland. The receivers general of assessed taxes in England, have each a distinct district of country allotted to them, and make their payments into the Exchequer at stated periods, from weekly to monthly, according to the distance from London and their average amount of receipts. The term is generally about every 20 days. The remittances are, for the most part, through private bankers, excepting where the Bank of England has recently established branches in near and convenient situations.

For the *stamp duties*, there is one receiver general for England and one for Scotland. The distributors in England remit monthly to the receiver general, generally in bills of exchange running from 15 to 30 days. In Scotland the distributors remit weekly to the receiver general at Edinburgh, who remits by bills of exchange to the Bank of England alternately through the six principal private banking establishments in that city, three of them being joint-stock companies.

For the *customs*, there is one receiver general at London, who is bound to pay his receipts in money, drafts, bills of exchange, &c., daily into the Bank of England.

These amounts are paid into the Exchequer weekly for each receiver, in the following manner, though for this and other payments three bank clerks attend daily at the Exchequer. The bank writes off the amount of the weekly payments in cash, which is expressed in a bank note drawn in a form prescribed for the purpose by the Lords of the Treasury; which note, duly signed by the officers of the bank, is delivered to the receiver general or his clerk, duly authorized, by whom it is paid into the Exchequer *as so much cash*. It is expressly provided by law that this note shall be received at the Exchequer as cash.

The receiver, upon such payment, is discharged for the amount so paid, and the bank made liable, and the sums thus made available for the public service—the note being evidence of the possession of so much public money by the bank, or rather being so much money itself—the forms of the Exchequer being satisfied by the placing the note received from the bank in the chest, under lock and key of the Treasury officers.

The collectors of the customs and of the assessed taxes are specially authorized and instructed to make various payments out of the moneys received by them to pensioners, officers on half pay residing in their neighborhood, local militia, and other public charges. The vouchers for such payments are probably received and passed to their credit as so much cash: so in the colonies the collectors pay over to the military chest, or paymasters of the army on the spot, and their receipts are vouchers for the payment, with the previous instructions.

Statutes in which receivers are referred to as existing officers:

Stat. de Saccano, 51 H. 3; Westminister 2d, 13 E. 1: 34 & 35 H. 8; 7 E. 6; 13 Eliz. (See special report and evidence, A. D. 1831—2.)

Other payments are made daily by various persons at the Exchequer, and in coin or Bank of England notes, which are now by law money itself—being a *tender for all public and private dues*, except by the bank itself.

The three bank clerks take the money through the day, and on a wastebook the tellers charge it to them, and cause proper receipts to be given by the proper officers to those who pay it in.

Through the day the tellers give a minute to the bank clerks of the sums daily paid out of the Exchequer, and which those clerks pay out on the spot from the money they

have brought with them in the morning from the bank, with the charge they keep in their own private chest, in the Exchequer. After 2 o'clock the receipts and payments of the day are balanced, and if the bank clerks have received more than they have paid out on accouut of the Exchequer, they pay over the balance on the spot, and it is put in the proper iron chest of the Exchequer.

If they have paid out more, the iron Exchequer chest is opened, and the balance paid on the spot to the bank clerks.

The local collectors sometimes take bank notes of the joint-stock companies, and of private bankers, but they have to remit funds which are equivalent to specie, or are a *legal tender*; and to do it weekly or semi-monthly, or monthly, as the distance and amount may require.

*Mode of collecting, keeping, and transferring public money in France.*

1st. Collected by local officers for different kind of taxes, and in specie or Government drafts of various kinds; which are deemed equivalent, and are kept in chests till paid out to creditors, or paid over to the local paymasters and receivers.

2d. *Kept.* It is mostly paid over to public officers and creditors on the spot or near, under previous instructions or special orders and drafts, e. g.—to pensioners; to holders of stock for interest; to paymasters of army or navy, &c.

3d. *Transferred.* The residue is remitted to Paris under direction of an officer, who superintends the movement of the funds, or what we call transfers, and is there kept in Exchequer chests; and it is done by conveying it in coin and drafts, or by bills of exchange.

This is accomplished through the receivers general, who gather up and remit all not paid out in the several provinces or departments, by the collectors, paymasters, &c.

What is wanted in the deficient provinces, is then remitted from Paris, if not sent across the country from the over-redundant provinces by bills of exchange.

A.—Both in France and England the national debts are so large that the balances on hand at any one time are small.

B.—There is no authorized deposite in any bank, it is believed; but if done in local banks, or in Bank of France, it is a private arrangement.

## GRAIN IMPORTED WITHIN THE LAST TWELVE YEARS.

*Letter from the Secretary of the Treasury, showing the quantity of grain imported within the last twelve years; in compliance with a resolution of the House of Representatives of the 19th ultimo. October 7, 1837, read, and laid upon the table.*

TREASURY DEPARTMENT, *October* 6, 1837.

SIR: In obedience to the resolution of the House of Representatives of the 19th ultimo, directing the Secretary of the Treasury to furnish a statement of "how many bushels of corn, wheat, rye, barley, oats, and other bread-stuffs, have been, during the last twelve years, imported from foreign countries into the ports of the United States, distinguishing the several ports," I have the honor herewith to transmit a report and statement, prepared by the Register of the Treasury, which contain the information called for, as far as the returns on file in his office enable him to comply with the resolution.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
*Secretary of the Treasury.*

Hon. J. K. POLK,
*Speaker of the House of Representatives.*

TREASURY DEPARTMENT,
*Register's Office, October* 5, 1837.

SIR: Herewith is transmitted a statement exhibiting the quantities and values of grain and bread-stuffs imported into the United States annually, from 1821 to the 30th of June, 1837, prepared in obedience to a resolution of the House of Representatives of the 19th of September last. As the importations of these articles were very limited previous to the year 1835, and the details previous to 1833, from which statement No. 3 has been collated, were destroyed in the late Treasury building, the quantities imported into the respective ports are stated for the years 1835, 1836, and nine months of the year 1837.

I beg leave to remark that the barley, rye, &c. which may have been imported into New York during the years 1538, '6, and '7, are not included in statement No. 3, the returns from that port not specifying those items.

I have the honor to be, with great respect, sir, your obedient servant,

T. L. SMITH.

HON. LEVI WOODBURY,
*Secretary of the Treasury.*

No. 1.

*Statement exhibiting the quantity and value of wheat flour, wheat, and oats, imported into the United States from 1st October, 1824, to 30th June, 1837.*

| YEARS. | Wheat flour. | | Wheat. | | Oats. | |
|---|---|---|---|---|---|---|
| | Cwt. | Value. | Bushels. | Value. | Bushels. | Value. |
| Year ending 30th Sept., 1825 | 118 | $266 | 1,065 | $1,015 | 935 | $197 |
| Do. do. 1826 | 33 | 82 | 3,448 | 5,000 | 12,508 | 3,901 |
| Do. do. 1827 | 47 | 91 | 1,064 | 910 | 822 | 209 |
| Do. do. 1828 | 6 | 12 | 852 | 688 | 1,138 | 110 |
| Do. do. 1829 | 151 | 339 | 263 | 305 | 216 | 102 |
| Do. do. 1830 | 209 | 599 | 422 | 492 | 1,495 | 378 |
| Do. do. 1831 | 5 | 14 | 620 | 685 | 1,226 | 333 |
| Do. do. 1832 | 9 | 29 | 1,168 | 1,151 | 1,187 | 331 |
| Do. do. 1833 | 37 | 110 | 1,600 | 1,606 | 348 | 110 |
| Do. do. 1834 | 32 | 81 | 1,225 | 1,213 | 1,807 | 506 |
| Do. do. 1835 | 29,397 | 69,976 | 238,769 | 198,647 | 7,640 | 2,421 |
| Do. do. 1836 | 21,567 | 62,341 | 583,898 | 493,159 | 161,552 | 63,346 |
| From 1st Oct. 1836, to 30th June - 1837 | 21,999 | 78,741 | 3,560,490 | 3,775,808 | 4,963 | 2,539 |

TREASURY DEPARTMENT,
*Register's Office, October* 6, 1837.

T. L. SMITH, *Register.*

## No. 2.

*Statement exhibiting the quantity and value of wheat flour, wheat, and oats, imported into the United States from the 1st day of October, 1834, to the 30th of June 1837.*

| Imported into. | Wheat Flour. | | | | | |
|---|---|---|---|---|---|---|
| | 1835. | | 1836. | | 1837. | |
| | Cwt. | Value. | Cwt. | Value. | Cwt. | Value. |
| Passamaquoddy | - | - | 147 | $805 | 34 | $191 |
| Bath | - | - | - | - | 6 | 24 |
| Belfast. | | | | | | |
| Vermont | 77 | $258 | 717 | 2,488 | 1,990 | 9,154 |
| Boston | 86 | 239 | - | - | 16 | 60 |
| Providence | - | - | - | - | 28 | 120 |
| New York | - | - | 7,357 | 22,515 | 10,709 | 37,598 |
| Champlain | 2 | 4 | 690 | 2,069 | 459 | 1,855 |
| Cape Vincent | 1,051 | 2,821 | 490 | 1,936 | 364 | 1,923 |
| Oswegatchie | 387 | 952 | 230 | 748 | 1,207 | 5,906 |
| Niagara | 1,099 | 2,421 | 332 | 746 | 222 | 819 |
| Sackett's Harbor | 366 | 1,049 | 19 | 48 | 91 | 466 |
| Buffalo | 4,782 | 8,203 | 7,714 | 20,663 | 5,258 | 15,223 |
| Oswego | 18,631 | 46,442 | 1,009 | 2,132 | 254 | 862 |
| Genesee | 2,511 | 6,432 | 501 | 2,372 | 300 | 967 |
| Cuyahoga | 397 | 1,135 | | | | |
| Sandusky. | | | | | | |
| Detroit | 8 | 20 | 529 | 1,210 | | |
| Philadelphia. | | | | | | |
| Baltimore | - | - | 1,440 | 3,646 | 230 | 907 |
| Georgetown, D. C. | | | | | | |
| Richmond. | | | | | | |
| Petersburg. | | | | | | |
| Charleston | - | - | 36 | 55 | 385 | 1,152 |
| Key West | - | - | 1 | 5 | | |
| Mobile. | | | | | | |
| New Orleans | - | - | 355 | 903 | 346 | 1,515 |
| Total | 29,397 | 69,976 | 21,567 | 62,341 | 21,999 | 78,742 |

## STATEMENT No. 2.—Continued.

| Imported into. | Wheat. | | | | | |
|---|---|---|---|---|---|---|
| | 1835. | | 1836. | | 1837. | |
| | Bus. | Value. | Bus. | Value. | Bushels. | Value. |
| Passamaquoddy. | | | | | | |
| Bath. | | | | | | |
| Belfast. | | | | | | |
| Vermont | 345 | $351 | 994 | $994 | 6,313 | $7,943 |
| Boston | - | - | 8,518 | 7,289 | 47,034 | 51,032 |
| Providence. | | | | | | |
| New York | 2,570 | 2,291 | 164,446 | 137,401 | 1,964,943 | 2,067,213 |
| Champlain | 14,337 | 14,497 | 15,864 | 16,781 | 30,545 | 40,823 |
| Cape Vincent | 76 | 52 | 141 | 113 | 1,258 | 1,258 |
| Oswegatchie | 1,275 | 1,062 | 38,938 | 29,506 | 4,032 | 3,139 |
| Niagara | 666 | 539 | 3,707 | 3,694 | 4,499 | 1,490 |
| Sackett's Harbor | 503 | 497 | 683 | 683 | 1,985 | 3,043 |
| Buffalo | 18,064 | 10,210 | 18,631 | 13,220 | 13,147 | 15,712 |
| Oswego | 101,681 | 85,562 | 76,829 | 81,678 | 98,722 | 115,460 |
| Genesee | 95,535 | 81,332 | 100,224 | 80,868 | 137,810 | 161,727 |
| Cuyahoga. | | | | | | |
| Sandusky | 25 | 25 | | | | |
| Detroit | 3,687 | 2,224 | 4,326 | 3,812 | 1,380 | 1,292 |
| Philadelphia | 1 | 2 | 22,210 | 22,291 | 139,713 | 162,246 |
| Baltimore | 4 | 3 | 128,397 | 94,839 | 1,057,250 | 1,094,648 |
| Georgetown, D.C. | - | - | - | - | 7,427 | 7,013 |
| Richmond | - | - | - | - | 24,289 | 29,118 |
| Petersburg | - | - | - | - | 23,143 | 22,615 |
| Charleston. | | | | | | |
| Key West. | | | | | | |
| Mobile. | | | | | | |
| New Orleans. | | | | | | |
| Total | 238,769 | 198,647 | 583,898 | 493,159 | 3,560,490 | 3,775,808 |

## STATEMENT No. 2.—Continued.

| Imported into. | Oats. | | | | | |
|---|---|---|---|---|---|---|
| | 1835. | | 1836. | | 1837. | |
| | Bus. | Value. | Bus. | Value. | Bus. | Value. |
| Passamaquoddy | 21 | $8 | 136 | $55 | 6 | $3 |
| Bath | - | - | - | - | 437 | 218 |
| Belfast | - | - | 2,812 | 750 | | |

## STATEMENT No. 2. Continued.

| Imported into. | Oats.—Continued. | | | | | |
|---|---|---|---|---|---|---|
| | 1835. | | 1836. | | 1837. | |
| | Bus. | Value. | Bus. | Value. | Bus. | Value. |
| Vermont | 79 | 25 | 715 | 215 | 51 | 24 |
| Boston | 1,443 | 430 | 77,170 | 31,598 | 2,663 | 1,323 |
| Providence. | | | | | | |
| New York | 2,073 | 852 | 37,802 | 16,124 | 547 | 239 |
| Champlain | 1,624 | 517 | 147 | 41 | 119 | 52 |
| Cape Vincent | - | - | 167 | 48 | | |
| Oswegatchie | 55 | 15 | 593 | 160 | 170 | 59 |
| Niagara | 7 | 3 | 3,608 | 1,102 | 72 | 22 |
| Sackett's Harbor | - | - | 750 | 234 | | |
| Buffalo | 27 | 7 | 4,019 | 1,061 | 158 | 64 |
| Oswego | - | - | 22,527 | 5,727 | 64 | 13 |
| Genesee | - | - | 6,530 | 1,495 | 112 | 128 |
| Cuyahoga. | | | | | | |
| Sandusky. | | | | | | |
| Detroit | 401 | 130 | 1,072 | 295 | 163 | 79 |
| Philadelphia | 1,722 | 432 | 26 | 22 | 101 | 115 |
| Baltimore | - | - | 3,424 | 1,389 | 44 | 64 |
| Georgetown, D. C. | | | | | | |
| Richmond. | | | | | | |
| Petersburg. | | | | | | |
| Charleston | - | - | - | - | 253 | 136 |
| Key West. | | | | | | |
| Mobile | 8 | 2 | | | | |
| New Orleans | - | - | 54 | 30 | | |
| Total | 7,460 | 2,421 | 161,552 | 63,346 | 4,963 | 2,539 |

Treasury Department,
*Register's Office, October 2, 1837.*

T. L. SMITH, *Register.*

## No. 3.

*Statement exhibiting the quantity and value of rye, barley, corn, and other grain, imported into the United States from 1st October, 1834, to 30th June, 1837.*

| Imported into. | Rye. | | | | | |
|---|---|---|---|---|---|---|
| | 1835. | | 1836. | | 1837. | |
| | Bush. | Value. | Bush. | Value. | Bushels. | Value. |
| Passamaquoddy. | | | | | | |
| Vermont | 7 | $10 | | | | |
| Champlain. | | | | | | |
| Oswegatchie. | | | | | | |
| Niagara. | | | | | | |
| Sackett's Harbor | - | - | 237 | $142 | 3,830 | $2,300 |
| Buffalo. | | | | | | |
| Oswego | - | - | - | - | 400 | 300 |
| Genesee | - | - | - | - | 2,512 | 1,903 |
| Detroit. | | | | | | |
| Boston | - | - | - | - | 60,201 | 37,225 |
| Philadelphia | - | - | - | - | 18,911 | 11,960 |
| Baltimore | - | - | - | - | 116,435 | 69,961 |
| Alexandria. | | | | | | |
| Key West. | | | | | | |
| Total | 7 | 10 | 237 | 142 | 202,289 | 123,549 |

| BARLEY. | | | | | | |
|---|---|---|---|---|---|---|
| Passamaquoddy | - | - | 316 | 126 | | |
| Vermont. | | | | | | |
| Champlain | - | - | 7 | 3 | 16 | 12 |
| Oswegatchie | - | - | 22 | 11 | 614 | 385 |
| Niagara | - | - | 75 | 78 | | |
| Sackett's Harbor | - | - | 2,969 | 1,330 | 2,966 | 1,268 |
| Buffalo | - | - | 1,690 | 650 | 1,385 | 575 |
| Oswego | - | - | 15,187 | 5,629 | 6,499 | 3,109 |
| Genesee | - | - | 1,776 | 717 | | |
| Detroit. | | | | | | |
| Boston. | | | | | | |
| Philadelphia | 316 | $190 | 430 | 260 | | |
| Baltimore. | | | | | | |
| Alexandria. | | | | | | |
| Key West. | | | | | | |
| Total | 316 | 190 | 22,472 | 8,804 | 11,480 | 5,349 |

STATEMENT No. 3—Continued.

| Imported into. | Corn. | | | | | |
|---|---|---|---|---|---|---|
| | 1835. | | 1836. | | 1837. | |
| | Bus. | Value. | Bus. | Value. | Bus. | Value. |
| Passamaquoddy. | | | | | | |
| Vermont - - | 25 | $20 | 72 | 80 | 63 | 69 |
| Champlain. | | | | | | |
| Oswegatchie. | | | | | | |
| Niagara. | | | | | | |
| Sackett's Harbor - | - | - | 359 | 462 | | |
| Buffalo. | | | | | | |
| Oswego. | | | | | | |
| Genesee. | | | | | | |
| Detroit - - | 2,400 | 2,696 | 4,213 | 4,718 | 3,759 | 3,759 |
| Boston. | | | | | | |
| Philadelphia. | | | | | | |
| Baltimore. | | | | | | |
| Alexandria. - | 128 | 144 | 6 | 9 | | |
| Key West - - | - | - | - | - | 31 | 31 |
| Total - - | 2,553 | 2,870 | 4,650 | 5,209 | 3,853 | 3,859 |

OTHER GRAIN AND MEAL.

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Passamaquoddy - | - | - | 15 | - | - | | | |
| Vermont - - | - | - | - | - | 57 | | | |
| Champlain - | - | - | - | - | 5,993 | | | |
| Oswegatchie. | | | | | | | | |
| Niagara - - | - | - | 2 | - | - | - | | 3 |
| Sackett's Harbor. | | | | | | | | |
| Buffalo - - | - | - | - | - | 1,774 | - | | 192 |
| Oswego - - | - | - | - | - | 4,000 | | | |
| Genesee. | | | | | | | | |
| Detroit. | | | | | | | | |
| Boston. | | | | | | | | |
| Philadelphia. | | | | | | | | |
| Baltimore. | | | | | | | | |
| Alexandria - | - | - | - | - | 237 | | | |
| Key West - - | - | - | 8 | - | 2,872 | - | | 9 |
| Total - - | - | - | 25 | - | 14,933 | - | | 204 |

Treasury Department,
*Register's Office, October* 6, 1837
T. L. SMITH, *Register.*

## MEXICAN AFFAIRS.

*Correspondence between the Department of State and the Mexican minister, accompanying the President's message at the opening of Congress.*

LIST OF PAPERS.

Mr. Gorostiza to Mr. Forsyth, 14th May, 1836. Translation.
Mr. Gorostiza to Mr. Forsyth, 24th May, 1836. Translation.
Mr. Forsyth to Mr. Gorostiza, 27th May, 1836.
Mr. Gorostiza to Mr. Forsyth, 9th July, 1836. Translation.
Mr. Forsyth to Mr. Gorostiza, 12th July, 1836.
Mr. Gorostiza to Mr. Forsyth, 21st July, 1836. Translation.
Mr. Dickins to Mr. Gorostiza, 26th July, 1836.
The same to Mr. Gaines, 27th July, 1836.
Mr. Gorostiza to Mr. Dickins, 28th July, 1836. Translation.
Mr. Dickins to Mr. Gorostiza, 1st August, 1836.
Mr. Gorostiza to Mr. Dickins, 2d August, 1836. Translation.
Mr. Dickins to Mr. Gorostiza, 4th August, 1836.
Mr. Gorostiza to Mr. Dickins, 4th August, 1836. Translation.
Mr. Gorostiza to Mr. Dickins, 10th August, 1836. Translation.
Mr. Dickins to Mr. Gorostiza, 23d August, 1836.
The same to the same, 16th August, 1836.
Mr. Sanders to Mr. Dickins, 5th August, 1836.
Mr. Gorostiza to Mr. Dickins, 21st August, 1836. Translation.
Mr. Forsyth to Mr. Gorostiza, 31st August, 1836.
Mr. Gorostiza to Mr. Dickins, 26th Aug., 1836. Translation.
Mr. Forsyth to Mr. Gorostiza, 31st August, 1836.
Mr. Gorostiza to Mr. Forsyth, 3d Sept., 1836. Translation.
Mr. Gorostiza to Mr. Forsyth, 9th Sept., 1836. Translation.
Mr. Forsyth to Mr. Gorostiza, 16th September, 1836.
Mr. Addison to Mr. Forsyth, 20th August, 1836.
Mr. Gorostiza to Mr. Forsyth, 10th Sept., 1836. Translation.
Mr. Gorostiza to Mr. Forsyth, 12th Sept., 1836. Translation.
Mr. Price to Mr. Mercado, 1st September, 1836.
Mr. Swartwout to the same, 8th September, 1836.
Mr. Martinez to Mr. Monasterio, 10th Feb., 1836. Translation.
Mr. Forsyth to Mr. Gorostiza, 20th September, 1836.
The same to the same, 17th September, 1836.
Mr. Gorostiza to Mr. Forsyth, 18th Sept., 1836. Translation.
Memorandum, 23d September, 1836.
Abstract of letters from the President U. S. to Gen. Gaines.
Mr. Gorostiza to Mr. Forsyth, 23d Sept., 1836. Translation.
Mr. Gorostiza to Mr. Forsyth, 27th Sept., 1836. Translation.
Mr. Dickins to Mr. Gorostiza, 28th September, 1836.
Mr. Gorostiza to Mr. Dickins, 1st October, 1836. Translation.
Mr. Dickins to Mr. Gorostiza, 13th October, 1836.
Mr. Gorostiza to Mr. Dickins, 15th Oct., 1836. Translation.
Mr. Dickins to Mr. Gorostiza, 20th October, 1836.

*Mr. Gorostiza to Mr. Forsyth.*

[Translation.]

Washington, *May* 14, 1836.

The undersigned, envoy extraordinary and minister plenipotentiary of the Mexican Republic, received at three o'clock yesterday evening, the note which the Secretary of State of these United States did him the honor to address to him on the 10th instant, in reply to his of the day preceding. The undersigned has made himself acquainted with its contents, and he, in consequence, submits to the Secretary of State the present explanations, which he considers necessary for the purpose of completely and clearly exhibiting the motive which guided him on this occasion, as also the precise nature of the terms by which he meant to express his protest.

The undersigned, in fact, does not perceive (perhaps from want of comprehension on his part) the value of the difference noticed by the American Government, between not authorizing General Gaines to go to Nacogdoches, and ordering him not to advance beyond Nacogdoches. The undersigned, on the contrary, conceives that it would not have been judged necessary to warn that General that he is not to pass beyond a certain determined point, unless he had been already supposed to have the power of advancing to that point. Nor can the undersigned admit the doctrine, that the troops of a friendly Power are authorized to enter of their own accord upon the territory of a neighboring Power, however benevolent be the end proposed, and even if the result be evidently advantageous for the latter. Such a principle would in fact destroy the very foundation of the independence of nations: for that which is done to-day entirely with the view of assisting

the friend, may to-morrow be undertaken for purposes less pure; the pretext would be equally plausible in each case. And if, for this reason, in such cases, the previous assent has always been required, at least of every Government whose territory is to be protected by foreign troops, what doubt can there be in the present instance, when the representative of Mexico has at once declared, in the name of his Government, that he is thankful for the favor, but does not accept it?

The undersigned, moreover, does not think that he has given any motive for inferring from his conduct, that he could have been so suspicious of the intentions of the American Government as to suppose that the object of General Gaines's movement was to establish any sort of right to the ground which that general was about to occupy. Indeed, how could the undersigned have entertained such an idea, after the American Government had declared the contrary to him on several occasions, officially and explicitly? And this frank and noble declaration was of itself sufficient to render him easy as to the future. If the undersigned from the first felt a repugnance to the measure which the American Government proposed to adopt, and if afterwards, on the 9th instant, he considered it his duty to protest on account of (*sobre*) one of its necessary consequences, it was only because then, and since, he conceived that the Mexican territory would be violated as soon as the troops of General Gaines should pass the Sabine; because he has considered and does consider as Mexican territory, all that was *de facto* possessed by Spain at the time of the signature of the treaty of limits of 1819, between Spain and the United States, until the provisions of its third article were carried into effect, and because he therefore relied and still relies upon the obligation under which both parties are to maintain the *statu quo* until that time.

In the opinion of the undersigned, it is of no importance that those who call themselves Texians (although not one of them was born in Texas) should momentarily occupy a part of the territory bordering on the United States. This is an accidental occurrence, arising merely from the circumstance that there were no Mexican troops on the frontier when the insurrection took place, and that those which have been since sent by the Government have not yet had time to arrive there.

As he relied upon this principle, the undersigned could not but be surprised that the Secretary of State, alluding no doubt to those persons who direct the operations of the foreigners in insurrection in Texas, should have designated them in his note by the collective title of Texian Government, as the undersigned did not at first comprehend that Mr. Forsyth had used this designation with any other object than to express in plainer language another accidental circumstance arising from the former. On this point, the undersigned conceives it his duty to declare that his Government neither knows of any such Government in Texas, nor is aware that the American Government knows of any such. All that the Mexican Government knows of Texas is, that in that Mexican province there are some foreign colonists who had promised to live under the laws of the country, and that those persons, aided by other foreigners, have raised there the standard of rebellion. Whether Mexico can or cannot repress this rebellion, experience will very soon show, especially if those who are neither Mexicans nor Texians cease from interfering illegally or unjustly in a contest entirely domestic.

The undersigned, from proper respect to the declared wishes of the American Government, will also abstain from provoking a premature discussion as to the future boundaries of the two nations, leaving the solution of the difference with respect to the extreme limits of each, to the period and the arbiters provided for in the treaty itself. He will merely add, that his Government is animated by the same sentiments with that of the United States, and, like that of the United States, will then not insist upon any thing which cannot be sustained by reason and facts, according to the just interpretation of the treaty.

The undersigned avails himself of this occasion to repeat to the honorable J. Forsyth, Secretary of State of the United States, the assurances of his distinguished consideration. M. E. DE GOROSTIZA.

To the Hon. J. Forsyth, *Secretary of State.*

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*Mr. Gorostiza to Mr. Forsyth.*

[Translation.]

Washington, *May* 24, 1836.

The undersigned, envoy extraordinary and minister plenipotentiary of the Mexican republic, has the honor to address the honorable John Forsyth, Secretary of State of these United States, upon an affair the most serious and important, in his opinion, to the relations and interests of the two countries which has occurred since they have been united (*cementados*) by the firm bonds of equity, friendship, and mutual convenience. The undersigned, from what he has read and learnt respecting some of the late debates of the Senate, and particularly from the statements in the Intelligencer of this day, that a proposition of Mr. Walker's, with regard to the recognition of the independence of Texas, has been referred to the Committee of Foreign Affairs of that house, cannot but see, although with the utmost amazement, that measures are actually in progress for the said recognition, with a total disregard of the rights of a neighboring Power, and of those considerations which are, perhaps, due to it from the amicable conduct hitherto observed by it towards the United States. And what is the apparent motive for this precipitate adoption of a measure so serious, so infinitely important? The undersigned can discover no other than an account, entirely destitute of authenticity, of a victory on the part of the Texians, which is now considered decisive. The undersigned has reasons for believing it to have been expressly forged in Texas, perhaps for some determined object, or at least to have been exaggerated with the same intention, to the very confines of the ridiculous. The undersigned, however, goes further, and, supposing it even for a moment to be true to the full extent in which it is stated in some of the New Orleans newspapers, that General Santa Anna, from excess of ardor, or from one of those caprices of fortune, should have advanced farther than he ought, and should have been defeated and made prisoner, have General Houston's six hundred men nothing more to do? What has become of the other columns of the Mexican army commanded by Generals Sesma, Urrea, Filisola, &c.? It is said that they will also surrender without firing a gun; but is it yet known that they have surrendered? And even if they should so far lose their senses as to yield to enemies who cannot attack them, can a nation of seven millions of inhabitants not find men to oppose General Houston's six hundred men? The undersigned is not ignorant that the friends of Texas have spread the rumor, upon which depends all the hopes of the credulous, that general Santa Anna is ready to make every sacrifice to recover his liberty. The undersigned, however, places too much confidence in the genius and patriotism of General Santa Anna to enter into the discussion of any thing so totally absurd. Moreover, if it be believed that the Captain General exercises an influence so irresistible over the destinies of his country, what need is there of so prematurely recognising that which is so soon to take place?

The undersigned appreciates too highly the institutions of the American people, and has too much respect for the independence inherent in every representative power, to pretend to make any remark or complaint respecting what has taken place in the Senate; neither will he attempt to in-

dicate any line of conduct to the Executive of sovereign and independent States. All that he proposes is to call the attention of the President to a measure which, if it be adopted, will clearly be a most material injury to the rights of Mexico, and will, moreover, be at variance with those principles which have hitherto guided these United States in the recognition of Governments *de facto*; because, considering the question merely in this point of view, how can it be supposed that the Texians have demonstrated their power of maintaining their asserted independence, while the Mexican troops actually occupy the whole territory included between the rivers San Jacinto and Las Nueces?—while no one knows where their fugitive government resides; while, since the end of February, they have been unable to conquer in a single engagement, except that of the 21st of April, the date of their supposed victory over one thousand Mexicans. The undersigned is too deeply interested in maintaining the relations between his country and these United States on the same footing of friendship and mutual good feeling on which they have been since their establishment, to delay in submitting these considerations to the honorable John Forsyth, Secretary of State of these United States; and he embraces this opportunity to repeat to him the assurances of his most distinguished consideration. M. E. DE GOROSTIZA.

To the Hon. JOHN FORSYTH.

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*Mr. Forsyth to Mr. Gorostiza.*

DEPARTMENT OF STATE,
*Washington, May 27, 1836.*

The undersigned, Secretary of State of the United States, has had the honor to receive the letter of Mr. Gorostiza, minister plenipotentiary and envoy extraordinary of Mexico, of the 24th instant, calling the attention of the President of the United States to a motion made in the Senate, now in session, to refer the petitions of certain American citizens to the Committee of Foreign Relations for examination, which is described by Mr. Gorostiza as the proposition of a member of that body regarding the recognition of the independence of Texas. The undersigned lost no time in laying that communication before the President, and in doing so he presumes he has fulfilled all the expectations of the Mexican envoy extraordinary and minister plenipotentiary. The correct view of our institutions taken by Mr. Gorostiza, and of the independence of every representative Power, renders it unnecessary for the undersigned to detain him by the assignment of any reasons why the occurrences in either house of Congress on questions proposed or pending there are considered so altogether domestic in their origin and character, as not to be subjects of discussion with a foreign Power. It is the duty of the President to presume that what is right and just will be done by all the departments of the Government, and any such discussion of matters exclusively before any distinct branch of it, until a decision is made, for which the Government is responsible, would be, on his part, both premature and disrespectful.

The undersigned is instructed to assure Mr. Gorostiza that no decision on this question will be made by this Government which will not be founded on those rules and principles which have governed it in the disputes between Spain and the Spanish American States, and in those which have unhappily occurred between constituent members of those States themselves. The Mexican Government well knows what those rules and principles are, having uninterruptedly enjoyed for years the benefits of their practical application. When all the facts are known, and not before, upon a full, fair, and careful examination, having in view all the considerations that are due to the friendly obligations and amicable relations of the United States and Mexico, this Government will proceed to decide on that question which Mr. Gorostiza has so truly desribed as of vast importance in its immediate relations and in its inevitable results.

The undersigned renews to Mr. Gorostiza the assurances of his very distinguished consideration.

JOHN FORSYTH.

His Ex. Señ. Don M. E. DE GOROSTIZA.

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*Mr. Gorostiza to Mr. Forsyth.*

[Translation.]

LEGATION EXTRAORDINARY OF THE MEXICAN REPUBLIC TO THE UNITED STATES,
*Washington, July 9, 1836.*

SIR: Having been assured that some new commissioners of the so-called Government of Texas (Messrs. P. W. Grayson and James Collingsworth) are about to arrive in this federal city, and as they may, perhaps, in order to give greater weight to their negotiation, bring forward some agreement which General Santa Anna may have concluded since he was made prisoner of war on the field of San Jacinto, I consider it my duty to communicate to you, Mr. Secretary of State, as it may not have as yet been seen by you, for your information, an official copy of the law promulgated on the 20th of May last, by the Mexican Congress, the third article of which precisely provides for this case, by declaring all such agreements void *ab initio*.

I avail myself of this opportunity, Mr. Secretary of State, to renew to you the assurances of my distinguished consideration. M. E. DE GOROSTIZA.

Hon. JOHN FORSYTH, *Secretary of State.*

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[Translation of the law.]

DEPARTMENT OF WAR AND NAVY,
*Central section, table 1st.*

His Excellency, the President *ad interim* of the Mexican republic, has been pleased to address to me the following decree:

The President *ad interim* of the Mexican republic to the inhabitants. Be it known that the General Congress has decreed the following:

ART. 1. The Government will excite the patriotism of the Mexicans, and will employ all the resources in its power to continue with vigor the war in Texas, until the national honor be established, the interests of the republic be entirely secured, and the liberty of the President General be obtained.

ART. 2. The successful co-operation of any person, whether a citizen or a foreigner, in obtaining the liberty of the said President, will be considered as a most distinguished service, which Congress will be careful to reward appropriately.

ART. 3. The Government will fulfil the objects of the first article, without regard to any stipulation which the President may make, or have made, while a prisoner, such stipulations being null, void, and of no effect.

ART. 4. The Government is authorized to ask from the departments one-fourth of the recruits which were to be furnished by the old States according to the law of August 24, 1824.

ART. 5. The Government is in like manner authorized to establish recruiting stations at such points as it may judge proper, making the necessary appropriations to that effect, and subtracting from the contingent of each department the recruits raised in its territory.

ART. 6. The capital of the republic, and the townships within the limits of its federal district, will furnish three hundred recruits, chosen by lot, according to the regulation of 1767, so far as it has not been repealed. The persons thus chosen may be exempted from personal service, by presenting a proper substitute, or by paying fifty dollars to the recruiting fund, in either of which cases they will receive their discharge as if they had served.

Antonio Montoya, President. Jose R. Malo and Rafael de Montalvo, secretaries.

I therefore order it to be printed, published, distributed, and carried into effect duly.

Palace of the National Government in Mexico, May 20, 1836.

Jose Justo Corro. A. D. Jose Maria Tornel.

And I communicate it to you, that you may be informed of it, and act accordingly.

God and liberty. Mexico, May 20, 1836.

TORNEL.

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*Mr. Forsyth to Mr. Gorostiza.*

DEPARTMENT OF STATE,
*Washington, July* 12, 1836.

SIR: I have the honor to acknowledge the receipt of your note of the 9th instant, transmitting a copy of a law of the Mexican Congress of the 20th of May last, declaring void any agreement General Santa Anna may have concluded since he was made a prisoner of war at the battle of San Jacinto.

I have the honor to be, your obedient servant,

JOHN FORSYTH.

His Excellency
Señor Don MANUEL EDUARDO DE GOROSTIZA.

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*Mr. Gorostiza to Mr. Forsyth.*

[Translation.]

PHILADELPHIA, *July* 21, 1836.

The undersigned, envoy extraordinary and minister plenipotentiary of the Mexican republic, has just read in the "Morning Courier and New York Enquirer" of yesterday, a paragraph copied from the "Grand Gulf (Mississippi) Advertiser," of the following tenor: "This morning, more than two hundred men, commanded by Colonel Wilson, and on their way to Texas, passed this place in the Tuskina, with drums beating and fifes playing; they will be followed by three hundred more, all from Old Kentucky."

If this statement be true, it will of itself offer a sad evidence of what has been unfortunately for some time indicated, namely, that some of the agents of the Federal Government in the States do not comply as they should with the express instructions of the Executive, in cases which might jeopardize its friendly relations and neutrality with regard to Mexico. The undersigned therefore considers it his duty to call the attention of the honorable Mr. Forsyth, Secretary of State of these United States, to the subject, being convinced that the requisite measures will be taken by the department under his charge for ascertaining the truth of the statement, for punishing those who have infringed the laws, in case they should have really been infringed, and for remedying the evils which may otherwise ensue, if it be not too late.

It is certainly with the utmost regret that the undersigned finds himself obliged to prefer these complaints with regard to functionaries so respectable and so worthy of the confidence of the Executive, as all its agents in the States undoubtedly are; however, notwithstanding his hopes that he may be mistaken, and although he was aware of the extravagance and excitement now prevailing, yet he cannot but be assured that much of what is now going on, to the great injury of a friendly nation, might have been prevented, if some of the agents of the Executive had acted conformably with the letter and spirit of the orders which they received from it. Had they done so, how (as in a thousand similar instances) could a flotilla of seven vessels, two of which were steamers, have been fitted out at Natchez, and many hundreds of volunteers embarked on board them? How could this flotilla have remained for many days in New Orleans, for the completion of its preparations, and have departed freely for Galveston, under the orders of General Green? How could the Texian schooner *Independence* (as the Mobile and New Orleans papers state) have lately entered that port with Messrs. Collingsworth and Grayson on board, as a vessel of war, and been saluted as such? How, in fine, could the so-styled agencies of Texas have daily and publicly recruited men in all the cities of the Union for that unfortunate country, and have armed and embarked them by companies? Could these things have been done without the knowledge of the federal authorities, especially of the officers of the respective custom-houses? And if they know them and tolerate them, do they not contravene the orders of their own Government, rendering its promises of no avail, and its engagements illusory?

The undersigned repeats, and repeats with equal sincerity and conviction, his persuasion of the excellent intentions of the American Government towards Mexico, and of its good faith in desiring and endeavoring to preserve the most strict neutrality in the unfortunate struggle now going on in Texas. The undersigned is, therefore, doubly afflicted by seeing that the indiscreet partiality, or the carelessness of some subaltern agents, at times render unavailing the dispositions and the friendly desires of the President of the Union. For the same reason, too, he has not hesitated to submit these circumstances to Mr. Forsyth, without fear of displeasing him by doing so; as he well knows the noble frankness of his character, and is certain that he will act upon them, (if he should find them well established and exact,) as no one can appreciate better than Mr. Forsyth their respective importance.

The undersigned embraces this opportunity to renew to the honorable J. Forsyth, Secretary of State of the United States, the assurances of his distinguished consideration.

M. E. DE GOROSTIZA.

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*Mr. Dickins to Mr. Gorostiza.*

DEPARTMENT OF STATE,
*Washington, July* 26, 1836.

The undersigned, acting Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr. Gorostiza, envoy extraordinary and minister plenipotentiary of the Mexican republic, of the 21st inst.

Instructions will be immediately given, in compliance with Mr. Gorostiza's request, for inquiring into the truth of the statement which he has copied from the New York Courier and Enquirer, as to the men who passed Grand Gulf under Colonel Wilson, on their way to Texas, and those who were to follow from Kentucky; and measures will be taken, both to punish such of the persons concerned as may have been engaged in violating the laws, and to prevent those violations which the statement alleges to be intended.

With respect to the doubts which Mr. Gorostiza has expressed as to the fidelity of some of those officers whose duty it is to prevent and bring to punishment violations of the laws for preserving the neutrality of the United States, the undersigned has to remark that, if Mr. Gorostiza is acquainted with any instance of neglect of duty in this respect, on the part of those officers, it will be promptly inquired into, on being made known to the Department.

The undersigned renews to Mr. Gorostiza the assurances of his most distinguished consideration.

ASBURY DICKINS.

His Excellency
Señor Don MANUEL EDUARDO DE GOROSTIZA.

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*Mr. Dickins to Mr. Gaines.*

DEPARTMENT OF STATE,
*Washington July* 27, 1836.

SIR: The Mexican minister has addressed a complaint to the Department, founded on the following paragraph of

he New York Morning Courier and Enquirer of the 20th instant, copied from the Grand Gulf (Mississippi) Advertiser:

"This morning, more than two hundred men, commanded by Colonel Wilson, and on their way to Texas, passed this place in the Tuskina, with drums beating and fifes playing; they will be followed by three hundred more—all from old Kentucky."

Though the men on board the Tuskina are not stated to have been armed, yet, if the other circumstances were as represented, there would be ground for belief that the laws for the preservation of the neutrality of the United States have been violated; you will, therefore, inquire into this case, report the result to the Department, and be vigilant in your endeavor to prevent similar cases of complaint in future. Whenever you shall be satisfied that the laws have been violated, it is expected that you will not hesitate to prosecute the offenders. I am, &c.,

ASBURY DICKINS.
*Acting Secretary.*

Richard M. Gaines, Esq.,
*U. S. Attorney, Mississippi, Natchez.*

Same to the U. S. Attorney for the district of Kentucky, Frankfort.

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*Mr. Gorostiza to Mr. Dickins.*

[Translation.]

Philadelphia, *July* 28, 1836.

The undersigned, envoy extraordinary and minister plenipotentiary of the Mexican republic, has the honor to state to the honorable Asbury Dickins, acting Secretary of State of these United States, that, by the official correspondence just received from the packet vessel which arrived the day before yesterday at New York from Vera Cruz, he has been enabled to assure himself that his Government, though not considering possible the event of the passage of the river Sabine by the troops of General Gaines, had, however, viewed, and continue to view that question precisely as it was regarded by the undersigned from the first; that is to say, that, if such passage were effected, it would be a real violation of the Mexican territory, without provocation on the part of Mexico, and by no means to be expected, considering the existing relations, and the treaties of amity and limits by which Mexico and the United States were bound.

The undersigned says that his Government could not admit the possibility of the execution of the measure in question; for, at the period indicated, many of the disagreeable consequences of the battle of San Jacinto had already been experienced in Mexico, and, moreover, in addition to its unalterable conviction of the obvious justice of its claims in this case, the Government of the undersigned confided too far in the nobleness of character which distinguishes the American Government, to believe that it would, by a movement of the troops of General Gaines, render still more embarrassing the position in which a neighboring and friendly nation had been momentarily placed by the results of that day of casual misfortune.

The undersigned, for the same reasons, flattered himself with the same idea, and he was more and more confirmed in it, as he learned that General Gaines had undeceived himself respecting the reports of an invasion by Indians, by which some partisans of the Texians had, without doubt, endeavored to beguile his good faith, as he saw that the General had informed the Governors of the four States by letter, that he had no longer any need of the corps of volunteers which he had requested from them; and finally, as he saw him remaining quietly at his encampment on the Sabine, during the whole period of the retreat of the Mexican army to the Rio del Norte. To this effect the undersigned was constantly informing his Government, as the events were occurring, and he took the greater pleasure in doing so, as he saw in each of them a confirmation of the hopes held out to him by Mr. Forsyth, in his letter of the 10th of May last, where he says "that perhaps there would be no necessity for the said advance of General Gaines."

Unfortunately, however, General Gaines now appears to have returned to a different opinion, according to his official despatch of the 28th of June, extracted and published in the Globe of the 25th instant, in which he announces his intended invasion of the Mexican territory, under the pretext that he has been informed of the murder of two white men by some Caddo Indians, sixty or seventy miles beyond the known limits of the United States; as if General Gaines had been commissioned to chastise all the excesses committed (if they have been committed) by Indians against the whites in territories which are not North American. The undersigned will, however, abstain for the present from any observations on this pretext; nor does he wish to enter now into an examination of certain rumors of a correspondence which is said to have passed between that general and the commander of the Texian forces, and which is not of a very neutral character, if the statement of certain newspapers respecting it be true; nor will he call all the attention of Mr. Dickins at this time to the very singular coincidence, that only when the Mexican troops are advancing in Texas, these accounts of the excesses of Indians are invented or exaggerated, in order that they may, without doubt, reach the ears of General Gaines.

The undersigned might easily do all this, and he would do it, were he not afraid of thereby rendering the present note too long, and of diverting the attention of Mr. Dickins too much from his other numerous occupations. He will therefore limit himself, at present, to protesting again in the name of his Government, and in virtue of the instructions which he has lately received, against a measure so adverse to the rights and interests of Mexico; merely referring to his notes to Mr. Forsyth of the 9th and 14th of May, and soliciting most earnestly, from the equity and the sense of right of the President of the United States, the recall of the authorization given to General Gaines to advance as far as Nacogdoches, because Nacogdoches is in the Mexican territory, and because General Gaines may at any moment, be led away by the interested representations of the enemies of Mexico, and may unnecessarily endanger the dearest interests of both countries.

The undersigned at the same time entreats Mr. Dickins to submit the subject of this note to the President, for his determination with regard to it. The undersigned is the more anxious that this determination should be favorable to what he considers the rights of Mexico, as he cannot but be aware that the continuance of his extraordinary mission to these United States is intimately connected with the effects which that determination may produce.

The undersigned avails himself of this opportunity to renew to the honorable Mr. Asbury Dickins, acting Secretary of State of these United States, the assurances of his distinguished consideration.

MANUEL E. DE GOROSTIZA.

To the Hon. Asbury Dickins,
*Acting Secretary of State.*

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*Mr. Dickins to Mr. Gorostiza.*

Department of State,
*Washington, August* 1, 1836.

The undersigned, acting Secretary of State of the United States, has had the honor to receive the note addressed to him by Mr. Gorostiza, envoy extraordinary and minister plenipotentiary of the Mexican republic, under date of the 28th ult., and will lay the same before the President

It is a matter of deep regret that the frank explanations made by the President's directions to Mr. Gorostiza, as to the object of the authority given to General Gaines for a temporary occupation of a position beyond the boundary actually possessed by the United States, and the assurances promptly offered at the same time that such occupation, if made, should cease with the exigency which rendered it necessary, have failed to reconcile the Mexican Government to such contingency.

The fact referred to by Mr. Gorostiza of General Gaines having, on better information, or under a favorable change of circumstances, revoked the call which he had first made upon the Governors of the neighboring States for militia, affords evidence that he properly interprets the President's directions, and justifies the belief that he will not advance beyond the necessity of the occasion.

If General Gaines has now repeated his call, and entertains the intention of advancing to Nacogdoches, unless he shall receive satisfactory assurances that the Indians on our border had no hand in the recent murders on the Navisota, it is due in candor to General Gaines to attribute these acts to a conviction of their necessity; and the undersigned is persuaded that Mr. Gorostiza will be satisfied, on reflection, that it is more reasonable to ascribe them to such a motive, than to charge upon General Gaines any of the mere pretexts hinted at in Mr. Gorostiza's note.

The undersigned hopes that General Gaines may find it unnecessary to make the contemplated advance; but, should it be otherwise, he trusts that, when all the circumstances connected with it shall be fully examined, it will be viewed in its true light, as a measure of necessity, entirely friendly in its character, and consistent with the rights of all parties; and he sincerely hopes that it will be followed by none of the consequences which Mr. Gorostiza seems to apprehend.

The undesigned avails himself of the occasion to offer to Mr. Gorostiza the assurances of his most distinguished consideration.

ASBURY DICKINS.

His Excellency
Senor Don Manuel Eduardo de Gorostiza, &c.

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*Mr. Gorostiza to Mr. Dickins.*

[Translation.]

Philadelphia, *August* 2, 1836.

Manuel E. de Gorostiza presents his respects to Mr. Dickins, and, in consequence of what he had the honor to communicate to him in his note of the 28th of July last, would be infinitely obliged to him for the information whether official despatches have been received in Washington from General Gaines, confirming the statement made in the New Orleans Gazette of that general's having at length crossed the Sabine, entered into the Mexican territory, and taken a position with his troops at Nacogdoches.

M. E. DE GOROSTIZA.

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*Mr. Dickins to Mr. Gorostiza.*

Washington, *August* 4, 1836.

Mr. Dickins presents his respects to Mr. Gorostiza, and has the honor to state that, having applied to the War Department for information to enable him to answer the inquiry in Mr. Gorostiza's note of the 2d instant, Mr. Dickins learns that, by the last despatches from General Gaines, dated 28th June, 1836, his head-quarters were at Camp Sabine, and that this position is about twenty-five miles in a southwesterly direction from Fort Jesup, in the State of Louisiana.

ASBURY DICKINS.

His Excellency
Senor Don Manuel Eduardo de Gorostiza, &c.

*Mr. Gorostiza to Mr. Dickins.*

[Translation.]

Philadelphia, *August* 4, 1836.

The undersigned, envoy extraordinary and minister plenipotentiary of the Mexican republic, has been informed, by the note which the honorable Asbury Dickins, acting Secretary of State of these United States, did him the honor to address to him on the 1st instant, that the contents of his own note of the 28th July last should be submitted to the President for his determination with regard to the subject. The undersigned will, therefore, await this determination with anxiety, being, as he is, every moment more and more convinced of its great importance, and of the powerful influence which it may, and must, exercise upon the future relations between the two countries, as well as upon their dearest interests.

It is, indeed, much to be lamented, that the explanations given by order of the President, respecting the possible advance of General Gaines as far as Nacogdoches, were not of a nature which could have permitted the Government of the undersigned to reconcile itself to the idea of such a contingency, without failing in its duty to itself, and sacrificing the rights and interests of the people whose affairs it directs. The Government of the undersigned would have been infinitely gratified had they been of such a nature; as it has certainly been most careful, ever since the commencement of the unfortunate disturbances in Texas, to avoid every thing on its own part which might possibly cause complaint or discontent between the United States and Mexico. The very mission with which it honored the undersigned, a mission of amity and confidence in every respect, would have demonstrated this were there not numerous other proofs of it. But, could the Government of the undersigned, however great may have been its confidence in the sincerity of the intentions of the American Government, when it saw the latter authorizing one of its generals to occupy a part of the Mexican territory with his forces, at his own discretion, without the previous consent of or any consultation with Mexico, and without any other excuse than his own consideration of its propriety—could the Government of the undersigned, he repeats, look upon this authorization in any other light than as a menace of invasion, as a permission *ad libitum* to violate its territory? By what principle of public law can such a measure be defended? By what treaty? By the treaty of limits? It was clear that until the third article of that treaty was executed, both parties were bound to maintain the *statu quo*. By the 33d article of the treaty of amity and commerce? The obligations contracted in that article by the two Governments, neither are nor can be other than that each should prevent its *respective Indians* upon its *own territory* from committing hostilities against the territory of the friendly Power. Had the right to invade the territories of each other under pretext of mutual assistance been conceded, the stipulation would certainly have the merit of novelty; but it would likewise give to the first Mexican general who might reach the Sabine, the right of taking a position at Natchitoches, or farther still on this side, in order to drive away the tribes of Indians who wander on the other side of the Mississippi, and who might have shown some intentions of entering Mexico. Would the Government of the United States consent to this?

If the Government of the undersigned regarded the question in this light, when it referred only to a possible contingency, which was thought not likely to occur, how will it regard this same act if it should be unfortunately consummated, notwithstanding its own manifest repugnance, its repeated warnings, and its anticipated protests? Hence the Government of the undersigned cannot yet persuade itself of the possibility of such a case; not only from its conviction of the justice of its own cause, but likewise because

it confides in the equity of the Government of the United States, as the undersigned had already the honor to state to Mr. Dickins, in his said note of the 28th ultimo.

With regard to the allusions which Mr. Dickins seems to have discovered in the said note from the undersigned, as to the conduct observed by General Gaines in these transactions, the undersigned would regret exceedingly if any of them should have given grounds for supposing that he did not fully estimate the character, knowledge, and services of that general. The undersigned is far from denying them, and he only wished to state frankly his opinion that Mr. Gaines has been acting, perhaps without knowing it, under the influence of the friends of Texas, and of the Texians themselves, and that his good faith was constantly beguiled. The undersigned, in advancing this proposition, has not relied merely upon his own judgment, nor on his own observations and information; for, with regard to the occurrences of April and May, he has only repeated the opinions of the Governor of Louisiana upon the subject, as may be seen in the official despatch of General Macomb to the Secretary of War of the 25th of April, inserted in the Globe of the 16th of May; and as to what took place in June and July, the undersigned knows certainly, among other things, that it was General Rusk who informed General Gaines of the supposed movements of the Camanches. The undersigned supposes, also, that the military chief who gave notice to the latter general of the two assassinations on the Navisota cannot but belong to the army of Texas, as it appears that he was in command there.

The undersigned avails himself of this occasion to renew to the honorable Mr. Asbury Dickins, acting Secretary of State of these United States, the assurances of his distinguished consideration.

M. E. DE GOROSTIZA.

To the Hon. ASBURY DICKINS,
*Acting Secretary of State.*

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*Mr. Gorostiza to Mr. Dickins.*

[Translation.]

PHILADELPHIA, *August* 10, 1836.

The undersigned has the honor to address the honorable Asbury Dickins, acting Secretary of State of the United States, and, acknowledging the receipt of his informal note of the 4th instant, at the same time thanks him for having taken the trouble, at the request of the undersigned, to cause inquiries to be made at the War Department for the purpose of ascertaining the dates of the last despatches from General Gaines, and the places whence they were dated. By the said note, the undersigned is informed that, up to the 4th instant, nothing else had been officially received on the subject, than General Gaines's letter of the 28th of June, written at Camp Sabine, and that consequently it was not then known at Washington officially that any detachment of his troops had crossed the Sabine.

As this unfortunate movement may, however, have been since effected, and as fresh despatches may at any moment arrive from General Gaines, announcing it, the undersigned solicits and hopes that in such event Mr. Dickins will have the kindness to communicate it to him as soon as possible. Mr. Dickins is no doubt sufficiently aware of the position of the undersigned, not to be offended at this new request, nor to refuse to accede to it. In a matter of so serious a nature, the undersigned cannot give credit to any statements other than those which he receives through the Department now under the charge of Mr. Dickins.

The undersigned avails himself of this occasion to repeat to Mr. Dickins, the acting Secretary of State, the assurances of his most distinguished consideration.

M. E. DE GOROSTIZA.

*Mr. Dickins to Mr. Gorostiza.*

DEPARTMENT OF STATE,
*Washington, August* 23, 1836.

The undersigned, acting Secretary of State of the United States, has the honor to inform Mr. Gorostiza, envoy extraordinary and minister plenipotentiary of the Mexican republic, in compliance with the request contained in his note of the 10th instant, that it appears from a communication addressed to the undersigned by the Secretary of War, and dated on the 22d instant, that up to that time no communication had been received at the Department from General Gaines, showing that any portion of the force under his command had crossed the Sabine river.

The undersigned renews to Mr. Gorostiza the assurances of his most distinguished consideration.

ASBURY DICKINS.

His Excellency
Senor Don MANUEL EDUARDO DE GOROSTIZA.

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*Mr. Dickins to Mr. Gorostiza.*

DEPARTMENT OF STATE,
*Washington, August* 16, 1836.

The undersigned, acting Secretary of State of the United States, has the honor to transmit to Mr. Gorostiza, envoy extraordinary and minister plenipotentiary of the Mexican republic, a copy of a report from the district attorney of Kentucky, on the subject referred to in the newspaper statement, copied into Mr. Gorostiza's note of the 21st ultimo, which report, it is presumed, will be found entirely satisfactory.

The undersigned embraces this opportunity to renew to Mr. Gorostiza the assurances of his most distinguished consideration.

ASBURY DICKINS.

His Excellency
Senor Don MANUEL EDUARDO DE GOROSTIZA.

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*Mr. Sanders to Mr. Dickins.*

FRANKFORT, *Kentucky,*
*August* 5, 1836.

SIR: I have received your communication of the 27th ultimo, informing me that the Mexican minister had addressed a complaint to the Department, founded upon a publication made in the New York Courier and Enquirer of the 20th ultimo, copied from the Grand Gulf (Mississippi) Advertiser, announcing the passage by that place of two hundred men, under the command of Colonel Wilson, on their way to Texas, on board a steamboat, "with drum beating and fife playing, and suggesting that they will be followed by three hundred more, all from old Kentucky," suggesting therefrom grounds for the belief that the laws for the preservation of the neutrality of the United States have been violated; directing me to inquire into this case and report to the Department the result; and commanding vigilance on my part to endeavor to prevent similar causes of complaint.

In answer thereto, allow me to inform you that I was personally acquainted with Colonel Wilson and some of his fellow emigrants, and in conversation with him and some of them, they assured me that their object in Texas was emigration only; that it was a new country, unimproved, lands cheap, and that greater inducements were held out to the emigrant in that than any other country.

There was no apparent movement by Colonel Wilson or his associates, within my knowledge, exhibiting them as an armed force, or in a position to authorize the inference of their certain intent to violate the neutral relations of the United States with any foreign Power. Nor did I perceive or did any information come to my knowledge upon which I could justly institute any legal proceeding against them. They organized themselves and left the

country as emigrants, and I know of no authority under the laws of the United States which can prevent any man or any body of men from emigrating whither they may choose. At this time I have no knowledge or information of any persons imbodying themselves for Texas, in any character whatever.

It may be remarked that much excitement has prevailed with our population in consequence of the massacre of some Kentuckians in the late conflicts in Texas, and publications have been made of a nature designed to cheer the Texians in their conflict for independence; beyond this I know of no movement of men calculated to disturb our neutral relations with Mexico.

Should any thing tangible present itself on this subject, I will report the facts, and take all legal steps to arrest it.

I have the honor to be, sir, your obedient servant,

L. SANDERS, Jr.,
*U. S. Attorney for the District of Kentucky.*

To Asbury Dickins, Esq.,
*Acting Secretary of State of the United States, Washington.*

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*Mr. Gorostiza to Mr. Dickins.*

[Translation.]

Mexican Legation Extraordinary in the United States of America,
*Philadelphia, August* 21, 1836.

Sir: Although it may be presumed that the commander of the Pensacola station will have already taken energetic and efficient measures to protect American commerce against the risks with which it is threatened by the blockade of the port of Matamoras, lately so scandalously proclaimed by the individual who gives himself the title of President of Texas, I still consider it my duty to call the attention of the Department now under your charge, to the illegality and the nature of this unheard-of proceeding, in order that the President of the United States may, at my solicitation, if he should think it as I do, just, order the vessels of war of this nation to pursue and capture the armed Texians who pretend to maintain this blockade, considering and treating them as pirates.

My opinion on the subject is formed on a very simple reasoning. No blockade can be maintained by any vessels except vessels of war; no vessel can be considered a vessel of war unless it bear a commission to that effect, delivered by some competent authority, and it sail under an acknowledged flag. In order that an authority be competent to commission a vessel of war, it is indispensable that it be first acknowledged as an independent Power. In order that a flag be acknowledged, it is likewise indispensable that the existence of the nation represented by it should have been previously acknowledged. That Texas is not an independent Power in the eyes of other nations, it is easy to prove, inasmuch as no other nation has treated on equal terms with its self-styled government; and that its flag has not been yet recognised by any nation is also obvious, because the fact of its existence as a nation has not been recognised. How, then, can Texas, without being an independent Power, and without having any recognised flag, commission a vessel of war? and if it cannot commission vessels of war, with what vessels can it blockade the port of Matamoras, or any other port in the Mexican territory? Certainly with none. The armed vessels with which it endeavors to blockade that port, not being vessels of war, cannot impede the free navigation of neutrals, much less seize and detain them, without committing acts of piracy. Their very presence in those ports is a crime of that nature, as it is well known, from the declaration of their so-styled President, that they went there with his orders to commit such acts against the commerce of all nations. Now it is evident that the acts attempted or committed at sea, which are *generally* injurious, acquire, from that circumstance alone, the character of *general* piracy, and, consequently, that the perpetrators of such acts are and can be no other than *hostes humani generis*, enemies of the human race. Such is the doctrine of all writers on national law, the universal practice, and the opinion of the celebrated Judge Marshall, as appears in the speech delivered by him in the House of Representatives in the case of Thomas Nash, alias Jonathan Robbins.

Be pleased, Mr. acting Secretary of State of these United States, to submit what I have here stated to the knowledge of the President, and to accept the assurances of my distinguished consideration.

M. E. DE GOROSTIZA.

To the Hon. A Dickins,
*Acting Secretary of State.*

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*Mr. Forsyth to Mr. Gorostiza.*

Department of State,
*Washington, August* 31, 1836.

The undersigned, Secretary of State of the United States, has the honor to inform Mr. Gorostiza, envoy extraordinary and minister plenipotentiary of the Mexican republic, in answer to his note of the 21st instant, that the President, foreseeing the risks to which the commerce of the United States might be exposed in the Gulf of Mexico, has already given the necessary directions for its protection.

In respect to the civil war now carrying on between the Mexican republic and Texas, the United States have adopted, as Mr. Gorostiza is fully aware, the same course of strict neutrality that was pursued by them during the wars of the same character which were carried on between Spain and her American colonies. The measure which Mr. Gorostiza proposes would be altogether inconsistent with that policy. Nevertheless, the undersigned will take a proper opportunity to lay Mr. Gorostiza's note before the President.

The undersigned avails himself of this occasion to renew to Mr. Gorostiza the assurances of his most distinguished consideration.

JOHN FORSYTH.

His Excellency
Senor Don Manuel Eduardo de Gorostiza, &c.

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*Mr. Gorostiza to Mr. Dickins.*

[Translation.]

Philadelphia, *August* 26, 1836.

The undersigned has learned, with great satisfaction, from the informal note addressed to him on the 23d instant, by the honorable Asbury Dickins, acting Secretary of State of these United States, that the Secretary of War had not received any despatch or notification of the reported passage of the Sabine by General Gaines, as late as the 22d instant, inclusive.

The undersigned is the more gratified by receiving this information from Mr. Dickins, as, from the contents of a letter published yesterday in the Globe, which he takes the liberty to enclose to Mr. Dickins, there was real cause for apprehending that this movement, so important and disastrous, had been actually effected. On comparing the dates, however, the undersigned now begins to entertain strong hopes that the said letter may be one of the many fabrications with which the newspapers daily regale their readers.

The undersigned repeats to Mr. Dickins the request with which his note of the 10th instant terminates, and avails himself of this opportunity to renew to him the assurances of his most distinguished consideration.

M. E. DE GOROSTIZA.

Hon. A. Dickins,
*Acting Secretary of State.*

[*Enclosure in the above.*]

From the Free Trader, August 5.

The following communication was handed us this morning by William Parker, Esq., of this city, who has just returned from Texas:

NATCHEZ, *August* 4, 1836.

DEAR SIR: I left Nacogdoches on Saturday morning the 23d ultimo. Previous to my leaving there, four companies of United States troops, (dragoons,) from Fort Towson, had arrived; six companies of infantry would be in Nacogdoches the next day, making in all ten companies.

General Gaines thinks with this force he will be able to keep the Indians quiet; I think it doubtful, and should not be surprised if the Sabine should be the seat of an Indian war.

Many rumors are afloat as regards the Indians intentions. One thing is certain: Bowles, the Cherokee chief, is determined to obey the commands of the Mexicans. He says he is a colonel in the Mexican army, and will obey their orders. Speaking of the United States sending troops across the Sabine, he says that General Gaines dare not cross the Sabine: that he, Bowles, knows the treaty as well as General Gaines does. If, however, Bowles falls into the hands of General Gaines, I think he will Jacksonize him a little, at least hang him up to dry.

The day previous to my leaving, four companies left Nacogdoches for the Texian army; two of horse from Red river, and two of infantry from Kentucky. Judging from their appearance, I think they intend to play the game out. They were all well armed and equipped.

Two gentlemen came in from the army previous to my leaving, bringing the news that the commanding general, Lamar, had sent two companies for Santa Anna, to bring him to head-quarters, as they say, to try him for his life. The general's opinion is that it is to keep him safe.

General Houston has written to the commanding general, protesting against this proceeding, and states as a reason, that they had entered into a treaty with Santa Anna; that this treaty has been sent to the city of Mexico; that commissioners have also been sent to the President of the United States, neither of which have as yet been heard from, and that he thinks, in justice to Santa Anna, they ought to wait their decision. The report of Santa Anna being in irons is not true.

Previous to these gentlemen leaving, there appeared to be some misunderstanding as to the intentions of the cabinet in appointing Lamar to command, not knowing their views, whether he was to be commander-in-chief or protem. In order to put the question at rest, they took the vote. On counting the votes, there were nineteen hundred for Houston, and three hundred for Lamar. I have seen many men from the army while there, friends of Houston, as well as enemies, and they all agree that Houston is the commander, and that no other man could get the command, and the more intelligent say that it was never Burnett's intention that any man should supersede Houston.

The Texian army are at Victoria, on the Warloope. The Mexican army are in the neighborhood of Matamoras, three hundred miles from the Texian army. I spent some time with General Houston; his wound is healing. Dr. Erian, his attending physician, speaks of the wound as if it was well, and says that the general is in better health now than he has been for two years before. He is in fine spirits, and informed me that he would start for the army in about three weeks.

I stopped at Gaines's camp a few hours. The General informed me he expected volunteers immediately from Mississippi, Louisiana, Alabama, and Tennessee.

*Mr. Forsyth to Mr. Gorostiza.*

DEPARTMENT OF STATE,
*Washington, August* 31, 1836.

The undersigned, Secretary of State of the United States, referring to the notes addressed to the Department by Mr. Gorostiza, envoy extraordinary and minister plenipotentiary of the Mexican republic, on the 28th ultimo and 4th instant, relative to the instructions given to General Gaines for the defence of the frontier between the United States and Texas, has now the honor to transmit a copy of a letter from the President of the United States to the Governor of Tennessee, dated on the 6th instant, disapproving the requisition of General Gaines for a militia force. It is not doubted that it will be entirely satisfactory to Mr Gorostiza and to the Mexican Government.

The undersigned requests that Mr. Gorostiza will transmit to his Government a copy of of the President's letter, which it is hoped will render unnecessary any other answer to Mr. Gorostiza's two notes above mentioned.

The undersigned avails himself of this occasion to renew to Mr. Gorostiza the assurances of his most distinguished consideration. JOHN FORSYTH.

His Excellency Señor Don M. E. DE GOROSTIZA.

P. S. The receipt of a manuscript copy of the President's letter having been casually prevented, the Secretary of State is under the necessity of transmitting a newspaper copy, which, however, he believes to be entirely correct.

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*The President of the United States to the Governor of Tennessee.*

HERMITAGE, *August* 5, 1836.

SIR: I have received your letter of the 29th ultimo and the 4th instant, accompanied by the copies of communications which were addressed to you on the 4th of May and 25th of July, by the Secretary of War, and also accompanied by your proclamation of the 20th, founded on the requisition made by General Gaines, bearing date the 28th June last. The documents referred to in the communication to you of the 25th ultimo, from the War Department, have not yet been received.

The obligations of our treaty with Mexico, as well as the general principles which govern our intercourse with foreign Powers, require us to maintain a strict neutrality in the contest which now agitates a part of that republic. So long as Mexico fulfils her duties to us as they are defined by the treaty, and violates none of the rights which are secured by it to our citizens, any act on the part of the Government of the United States which would tend to foster a spirit of resistance to her Government and laws, whatever may be their character or form, when administered within her own limits and jurisdiction, would be unauthorized and highly improper. A scrupulous sense of these obligations has prevented me thus far from doing any thing which can authorize the suspicion that our Government is unmindful of them, and I hope to be equally cautious and circumspect in all my future conduct. It is in reference to these obligations that the requisition of General Gaines in the present instance must be considered, and unless there is a stronger necessity for it, it should not be sanctioned. Should this necessity not be manifest, when it is well known that the disposition to befriend the Texians is a common feeling with the citizens of the United States, it is obvious that that requisition may furnish a reason to Mexico for supposing that the Government of the United States may be induced by inadequate causes to overstep the lines of the neutrality which it professes to maintain.

Before I left Washington, General Gaines intimated to the Department of War that some indications of hostilities from the Indians on our Western frontier had been made,

and that, if it became *necessary*, he should make a call for the militia. He had also informed the Department of his ill health, and asked for a furlough to enable him to visit the White Sulphur springs. I directed the Secretary of War to grant him the furlough, and to inform him of the apportionment which had been made of the 10,000 militia under the volunteer act, and if the emergency should arise which would make it necessary to increase the force under his command, that a thousand volunteers in Arkansas, and another in Missouri, raised agreeably to this act, would be enrolled and held ready for the service.

This force, aided by the portions of the dragoon regiments that would be stationed in that quarter, and those of the regular army already there, were deemed amply sufficient for the protection of the frontier near the Indians referred to. There are no reasons set forth in the requisition which the general has since made upon you to justify the belief that the force above enumerated will be insufficient, and I cannot, therefore, sanction it at the present time. To sanction that requisition for the reasons which accompany it, would warrant the belief that it was done to aid Texas, and not from a desire to prevent an infringement of our territorial or national rights.

I deeply regret that the Tennessee volunteers, whose prowess and patriotism are displayed so promptly on all occasions that threaten the peace or safety of their beloved country, have been called out on this occasion without proper consideration. They can for the present only be mustered into the service and discharged. If there are funds appropriated out of which they can be paid, an order to this effect will be given.

The ten thousand volunteers authorized under the late act of Congress, are intended for one year's service, and must be employed to meet all necessary calls for the defence of our frontier borders. Should the occasion arise for a greater number on the western frontier, the call will be made on Ohio, Kentucky, Indiana, and Illinois. There is, however, no information to justify the apprehension of hostilities to any serious extent from the western Indians. Should a necessity arise, the brigade from East Tennessee will be ordered to the western frontier as soon as their service can be dispensed with where they are now employed.

I would barely add further, that the authority given you by the order of the 4th of May, having been satisfied, by yielding to the requisition of General Gaines, a new authority from the Department of War was necessary to authorize you to comply with that of the 28th of June.

The Government of the United States having adopted, in regard to Mexico and Texas, the same rule of neutrality which had been observed in all similar cases before, it was not to have been expected that General Gaines should have based his requisition for additional military force on reasons plainly inconsistent with the obligations of that rule. Should Mexico insult our national flag, invade our territory, or interrupt our citizens in the lawful pursuits which are guarantied to them by the treaty, then the Government will promptly repel the insult, and take speedy reparation for the injury. But it does not seem that offences of this character have been committed by Mexico, or were believed to have been by General Gaines.

I am, very respectfully, your obedient servant,

ANDREW JACKSON.

His Excellency N. Cannon,
*Governor of Tennessee.*

P. S. Before closing this letter, the documents referred to by the acting Secretary of War as having been transmitted to me, have been received.

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War Department, *July* 25, 1836.

Sir: Major General Gaines has apprized this Department that he has made a requisition upon your excellency for a regiment of mounted gunmen for the service of the United States.

Copies of the despatches received from General Gaines have been transmitted to the President of the United States, who will issue such orders upon them as he may think circumstances require. Meantime I have the honor to inform you that, in order to prevent any inconvenience or delay in the event of the confirmation of General Gaines's requisition by the President, a disbursing officer will be ordered to proceed to the State of Tennessee with the necessary funds.

Very respectfully, your most obedient servant,

C. A. HARRIS,
*Acting Secretary of War.*

His Excellency Newton Cannon,
*Governor of Tennessee.*

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*Mr. Gorostiza to Mr. Forsyth.*

[Translation.]

Philadelphia, *September* 3, 1836.

The undersigned was so immediately convinced of the importance of the document to which the Secretary of State refers in his note of the 31st of August, that he had already, on the 19th of that month, transmitted a copy of it to his Government. By this means, its contents will soon be known in Mexico, and the Government of the undersigned may then be enabled to estimate fully the purity of the international doctrine there laid down by the President of the United States, and the justice with which he applies this doctrine in the present emergency. Even without this [exposition of international doctrine,] the mere fact of the President's having disapproved the requisition of General Gaines would of itself suffice, in the opinion of the undersigned, to cause its announcement to be received with peculiar satisfaction in Mexico, as the assembling of so many American troops on the very frontiers of Texas, although it would be perfectly legal as long as confined to the known limits of the United States, could not but in time occasion disquiet and alarm with regard to the possible consequences. Of the latter, none would have been more probable than their organization of a system of progressive desertion in favor of the Texians, and by no means of their agents. Who can deny the possibility of such a case, if he for a moment consider the excitement of the period, and the opportunity afforded by localities? But, although the spirit and the words of the President's letter to the Governor of Tennessee be praiseworthy, and may be attended with beneficial effects with regard to the future maintenance of a position of strict neutrality on the part of the United States during the disturbances in Texas, yet the undersigned regrets exceedingly that he must dissent from the opinion expressed by Mr. Forsyth at the end of his said note of the 31st ultimo. For, in order that the Department of State should not consider it necessary to answer the notes of the undersigned, dated the 28th of July and the 4th of August, there must be some paragraph in the said letter of the President which would serve as a reply to the question urged in those notes, and the undersigned, though he was anxious to find such a paragraph, has been unable to do so. It is true that the President there disapproves the requisition made by General Gaines on the 28th of June, and of the reasons on which it was based; and that he likewise disapproves the conduct of the Governor of Tennessee in considering the order of the War Department of the 4th of May still in force; but is it also to be understood that the President withdraws, or will withdraw from General Gaines, the authorization which he had given to him on the 25th of April, and had confirmed on the 11th of July, to advance with his troops as far as Nacogdoches? If Mr. Forsyth can answer the undersigned in the affirmative, he will be

fully satisfied, and will in fact acknowledge that there is no need of Mr. Forsyth's again occupying himself with those notes.

The undersigned avails himself of this opportunity to renew to the honorable Mr. John Forsyth, Secretary of State of these United States, the assurances of his distinguished consideration.

M. E. DE GOROSTIZA.

Hon. John Forsyth, *Secretary of State.*

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*Mr. Gorostiza to Mr. Forsyth.*

[Translation.]

Philadelphia, *September* 9, 1336.

The undersigned, from what he reads in various newspapers, has cause to fear that General Dunlap is engaged in enlisting a considerable number of volunteers in Tennessee, who are to march to Texas under his orders. The Vicksburg Register goes so far as to state that their number already amounts to three thousand, and that they are all armed, having been previously intended for the war in Florida. It is likewise added that they are on the eve of departure for that destination. Although the undersigned believes that this scandalous proceeding, if certain, will have attracted the attention of the attorney of that district, he nevertheless thinks proper to denounce it to the honorable John Forsyth, Secretary of State of these United States, in order that it may be verified, opposed, and chastised according to the laws.

The undersigned has no doubt that Mr. Forsyth will act with the utmost promptitude in an affair which is of such magnitude, and which, if prosecuted to the end proposed, will be so entirely at variance with the principles of neutrality adopted by the Government of the United States.

The undersigned avails himself of this occasion to renew to the honorable John Forsyth, Secretary of State of these United States, the assurances of his most distinguished consideration. M. E. DE GOROSTIZA.

To the Hon. John Forsyth, *Secretary of State.*

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*Mr. Forsyth to Mr. Gorostiza.*

Department of State,

*Washington, September* 16, 1836.

The undersigned, Secretary of State of the United States, has had the honor to receive the note of Mr. Gorostiza, envoy extraordinary and minister plenipotentiary of the Mexican republic, dated the 9th instant, relative to a large body of armed volunteers enlisting in Tennessee under the command of General Dunlap, who, as Mr. Gorostiza learns from the newspapers, are about to march to Texas.

The attention of the district attorney for Tennessee has already been specially directed to the execution of the laws for preserving the neutral relations of the United States; and no sufficient ground is perceived, in the newspaper reports referred to by Mr. Gorostiza, for further instructions on the subject.

The undersigned avails himself of this occasion to transmit a copy of a letter just received from the agent of the district attorney of Mississippi, who was instructed to inquire into the proceedings brought to the notice of the Department by Mr. Gorostiza, also upon newspaper information, in his note of the 21st of July last. By this letter, and that of the district attorney of Kentucky on the same subject, transmitted to Mr. Gorostiza on the 16th ultimo, it will be perceived that the United States officers are vigilant in the discharge of their duty, and that newspaper reports are not, in themselves, safe grounds for official interference.

The undersigned has the honor to renew to Mr. Gorostiza the assurances of his high consideration.

JOHN FORSYTH.

His Ex. Senor Don M. E. De Gorostiza, *&c.*

*Mr. Addison to Mr. Forsyth.*

Natchez, *August* 20, 1836.

Sir: By the last mail I received a communication, addressed by Asbury Dickins, Esq., acting Secretary, to R. M. Gaines, Esq., United States district attorney for this district, informing him that the Mexican minister had made a complaint to the Department of State on the subject of an armament equipped for Texas, as reported in the Grand Gulf Advertiser. Being connected in the practice of the law with Mr. Gaines, and requested by him to attend to all communications directed to him in his absence, it becomes my duty to inform you that Mr. Gaines, on account of ill health, was compelled to leave home about the 20th of June last, having committed the duties of his office to my care in his absence. In reply to the communication of Mr. Dickins, I have to state that no information of such an armament as described has been received by me, either before or since the departure of Mr. Gaines, and further, that no information of any other armament fitted out for Texas, of a character to justify proceedings under the laws for the preservation of the neutrality of the United States, has been received, except perhaps in the case of Felix Houston, Esq., in which Mr. Gaines, after using great exertions to procure a warrant, failed to do so. If any evidence can be procured in either of these cases, it will be presented to the grand jury at the next sitting of the United States district court. Vigilance also will be used to prevent any future infraction of our neutrality in this district.

I have the honor to be, sir, your obedient servant,

A. E. ADDISON, for

R. M. GAINES, *U. S. D. A.*

To the Hon. John Forsyth,

*Secretary of State of the United States.*

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*Mr. Gorostiza to Mr. Forsyth.*

[Translation.]

Legation Extraordinary of Mexico in the United States of America,

*Philadelphia, Sept.* 10, 1836.

After reading the letter from Nacogdoches, dated the 4th of August, which appeared in the National Intelligencer of yesterday, I have but little doubt that the Mexican territory has been already unfortunately violated by the United States troops, especially as the contents of that letter only confirm the statement to the same effect made in others, which have been received in Philadelphia, and which, as I learn, were written at Nacogdoches on the 16th and the 20th of July. That published in the Globe of the 25th ultimo, and which I sent to the Department of State with my note of the 26th, was, if I mistake not, dated the 23d [July.]

It appears therefore that the first troops which invaded and occupied Nacogdoches were three or four companies of dragoons, who were previously in Arkansas, and had no need of passing the Sabine in order to reach that place, and that they were afterwards reinforced by some companies of infantry which had formed part of the force at General Gaines's encampment. If this be certain, and if the War Department has not received despatches from that general on the subject, there must necessarily have been a miscarriage of its correspondence.

However that may be, you, Mr. Secretary of State, must know that I have now more cause than ever to be anxious for a reply to my notes of the 28th of July and the 4th of August. The resolution of the President will, in my opinion, determine the character of the relations which are to exist immediately thenceforward between the two countries; and should that resolution be, contrary to all my expecta-

tions, adverse to the rights of Mexico, it will also necessarily determine as to the existence of a mission by which I am so highly honored.

I repeat, however, that I do not anticipate this. The language used by the President, in his letter of the 6th of August, to the Governor of Tennessee, is so frank, generous, and friendly towards Mexico, and the principles therein professed by him are so exact and equitable, that it would certainly be a gratuitous injury to his feelings, to suppose for a single instant, that, on an occassion a thousand times more important than that, he could think and act in a different manner. Far be it from me to entertain such an idea. If, at that period, and when a measure was in contemplation which could only give rise to suspicions of portiality towards the Texians, the President of the United States hastened to disapprove of it, in consideration of the treaties by which obligations were entered into with Mexico, and because Mexico had, up to that period, failed in no respect in the observance of those engagements, with so much the more confidence may it now be expected that the President will recall from Nacogdoches the troops which have violated the Mexican territory, in opposition to all the principles of international right; and that he will withdraw from General Gaines a dangerous power, which, especially in his hands, cannot but be productive of evil to the two republics. This, sir, as I conceive, was your judgment, when, in sending me, on the 31st of August, a copy of the President's letter, you assured me that its contents were a sufficient reply to the notes mentioned above; and your opinion, sir, is now, as ever, of great importance in my eyes.

I embrace this opportunity to repeat to you, sir, the assurances of my very distinguished consideration.

M. E. DE GOROSTIZA.

To the Hon. JOHN FORSYTH,
*Secretary of State.*

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*Mr. Gorostiza to Mr. Forsyth.*

[Translation.]

PHILADELPHIA, *September* 12, 1836.

The undersigned, envoy extraordinary and minister plenipotentiary of the Mexican republic, has the honor to address the honorable John Forsyth, Secretary of State of these United States, in order to complain, in the name of his Government, of the arbitrary conduct of the collector of the custom-house of New York, in admitting, as he has, what is called the Texian flag of war into that port, and to protest, in consequence, against this proceeding, and the effects which may arise from it; as he considers the whole occurrence most injurious to the rights of Mexico, and manifestly at variance with the very principles which the United States have professed, and on which they have acted in similar cases.

The circumstances of the affair were these: On the 1st day of this month an armed schooner, under what is called the Texian flag entered in the port of New York. On the same day, the Mexican consul wrote to the district attorney, soliciting that the vessel might be seized, and that prosecution might be commenced against her without delay, according to law; it being evident that, as her character of an armed vessel was not protected by a flag previously recognised by the United States, she had acquired, from the fact of entering a foreign port armed, the indisputable character of a pirate. The district attorney answered the consul by a letter, of which the Secretary of State will find a copy (A) annexed to this note. He will there see that the principal question respecting the *nature* of the flag is entirely, though in courteous terms, set aside, and that the attorney speaks and acts merely with reference to general rules, which have no bearing on an exceptive case. In the mean time the schooner, encouraged by this impunity, entered farther into the port on the 2d instant, anchored near the Castle-garden, saluted the town, and was in return saluted by a volunteer company, (whether by or without the order of any military authority is not known,) after which her officers and men landed with uniforms, arms, &c. The consul communicated to the undersigned all that had occurred; upon which the undersigned ordered him to ask the collector of that custom-house whether the Texian armed schooner Brutus was really a vessel of war or an armed merchant vessel, on what grounds the custom-house had permitted her to enter, and why it recognised her flag, although that flag had not been recognised by the United States. The consul did so; and in the annexed copy (B) the Secretary of State may see the strange reply, to call it by no less gentle a name, which was received from the said collector; to use a proverbial English phrase, it speaks volumes. The undersigned will take the liberty of cursorily reviewing this answer.

The collector begins by telling the consul that the schooner is a *national vessel*, and that her commander has exhibited a commission as such from the *President of the republic of Texas*. A national vessel! Who is the collector of the custom-house of New York, that he should thus declare to be *national* a vessel belonging to what is called a *nation*, but is not a nation in any of its relations with the Governments or the citizens of the United States? He doubtless meant to say that she was a vessel of war, as he partly shows in his allusion to the commission delivered by the *President of the republic of Texas*. But who is the President of Texas? What is the republic of Texas? In what document has the collector of the custom-house of New York read that the United States have yet recognised either the President or the republic, even as existing? In what case has he seen his own Government applying to them the names by which he calls them? And even though all this may have been, how is the collector assured that the commission is a true one? How does he know that it is sufficient to establish the *national* character of the vessel? Has he learnt whether other conditions may not be necessary, from any navigation act made by the Texians, if any such act have been made in Texas? Has he ascertained the origin of the crew and the number of Texians in it? Has he inquired where the vessel was built, and whether, in case it should have been built in the United States, it be or be not entitled to enter a port in those States as a belligerant? If none of these conditions should, in the opinion of the collector of the New York custom-house, be required, in order that a vessel which is not recognised may enter armed into that port, it is difficult to see why all the pirates in the world do not take refuge there. None of them could certainly be without a sheet of paper to write a commission on, or a strip of bunting for a flag.

The collector next tells the consul that, having received no orders from his Government to interdict the entrance of the vessels of the republic of Texas into that district, he did not feel himself authorized to prevent the Brutus from entering, or to molest her afterwards, so long as she did not violate the laws of the country. Now, as he had received no orders to admit Texian vessels, why did he not wait for such orders? Does not silence on such a subject say enough? Could he have supposed that his Government would have tacitly delegated to a subaltern authority the important faculty of determining at what period a flag, not hitherto recognised by any nation, might be displayed in a port of the United States without inconvenience to them, or offence to some other Power? How, repeats the undersigned, could the collector of the custom-house of New York have imagined that, if the independence of Texas were to be recognised, the first step towards its recognition would be left entirely at his discretion, and to be made whenever he pleased?

The collector then states that it has been the practice in the port of New York to treat with respect and courtesy the flags of those nations which have declared themselves independent, and maintained their independence against the authority of the country from which they have seceded. This is all well, provided it has been so previously determined by the Executive, and not merely by the collector of a custom-house. In order to arrive at such a result, an Executive would, from respect to itself, have first weighed carefully the merits of the case, and have examined previous circumstances and engagements; while the collector of a custom-house might act improperly in so serious a matter, either from weakness, or from ignorance, or from being notoriously identified, by his opinions and his interests, with those who display the new flag.

Finally, the collector tells the consul that the armed vessels of Texas have been, for some months past, admitted in New Orleans without any opposition on the part of that custom-house, and without any complaint, so far as had been advised, on the part of the Mexican consul residing there. Those who have told the collector so deceived him; and the best reply to his last assertion, which destroys, also, the whole value of the precedent attempted to be established, is to be found in the subjoined copy (C) of a communication from the Mexican consul at New Orleans himself to the acting Secretary of Relations of Mexico. In that communication the Secretary of State will see that the consul did perform his duty, by addressing the collector of the custom-house directly, in order to inquire under what flag he had admitted the first Texian armed vessel which entered that port on the 1st of January of this year. The Secretary of State will also see, in the same document, that the only answer received from the collector was the declaration given indirectly, that he had determined not to answer the consul at all. Now, what more could the poor consul do, when he was thus not even allowed to obtain evidence of the fact on which his first complaint was to be based? Or what was the use of addressing his complaints, in the subsequent cases, to a collector who had already adopted the magnanimous resolution of giving no answer to any question which might be put to him?

Such, then, so futile and so partial, were the reasons by which the collector of the New York custom-house has been guided on this occasion. The undersigned, after this exposure of them, has no doubt that the President of the United States will view them in the same light, and that he will adopt, without delay, such measures as he may judge most efficacious, for manifesting his entire disapprobation of the official acts of that individual.

With regard to the principles by which the United States have hitherto been always governed in similar cases, they are those, so obvious and so well known, which are clearly laid down in the first paragraph of the President's celebrated message of March 8, 1822. Mr. Monroe there, in speaking of the Spanish provinces which had seceded from the mother country, says that "the United States had acknowledged the rights to which they were entitled by the law of nations, and as belligerants, so soon as their movement had assumed such a steady and consistent form as to render their ultimate success probable, and, from that period, they had been permitted to enter with their vessels of war and trading vessels into the ports of these United States, for the purpose of obtaining provisions, of trading," &c. Thence, it may be naturally inferred, in the opinion of the undersigned, that, until such movement had acquired such a steady and consistent form as to render probable (not merely possible) the ultimate success of the said provinces in their struggle against Spain, the United States neither acknowledged their possession of any rights as belligerants, nor admitted their vessels in the American ports.

There was, consequently, a great interval between the commencement of the movement and the period at which it could have acquired the steadiness and consistency deemed requisite to warrant the opinion that its termination would probably be favorable; and the neutrality which may have been, and indeed really was, observed by the United States during the whole of that interval was, and could only have been, a mere neutrality of expectancy, for the purpose of seeing whether those provinces did, or did not, possess the means of emancipating themselves.

Now, even admitting the case of Texas to be similar to those of the republics which were formerly colonies of Spain in this part of the globe, can it be said that the Texian movement has yet arrived at the point which those of the Spanish Americans had attained, when the United States allowed them the same rights? It would be ridiculous to assert this. The undersigned will not waste time in enumerating the various resources of population, riches, and the elements of society possessed by the Spanish Americans, and certainly not possessed by the Texians; he will merely remind the Secretary of State, in corroboration of his previous assertion, that the pretended independence of Texas dates only from the beginning of last March. In that month the first campaign of Texas began, and during the whole of that month, as well as the greater part of April, the Texians were beaten wherever they appeared. They had, by their own confession, only six hundred men under arms, commanded by General Houston. That General succeeded in surprising the vanguard of the Mexican army, and it was then only, when General Santa Anna, who, from accident or excess of zeal, was present, became the prisoner of the Texians, and was forced by them to sign an armistice, which was most improperly, and in a manner most contrary to all probability, obeyed by General Filisola, that the Texians obtained the unexpected advantage of the evacuation of the territory. The undersigned conceives that none of these things indicate steadiness or consistency as yet. Had the general-in-chief, President Santa Anna, not been present at the San Jacinto, or had General Filsola not obeyed the orders of a captive, the consequences of that battle would have been politically unimportant, and but very trifling in a military point of view. The situation of the Texians would not have been improved by the victory, as the Mexican force was still six or seven times greater than theirs. Moreover, the season of rains and fevers immediately afterwards rendered the continuation of the war impossible—a circumstance which completely accounts for the subsequent inactivity.

The Mexican Congress, however, has deprived the battle of San Jacinto of its political importance, by declaring null and void all acts signed by President Santa Anna during his captivity; and, as the sickly season will soon have ended, the day is at hand when the Mexicans will cross the Colorado. The Texians will then have an opportunity of showing whether they possess the requisites for national freedom and independence. We shall then judge by action, not by accidents, whether their movement assumes the steady and consistent form which is necessary to render their ultimate success *probable*.

Meanwhile, the undersigned, confiding in the integrity and the impartiality of the Government of the United States, hopes that, adhering to the principles which they themselves established for the guidance of their conduct in the cases already mentioned, they will declare their ports to be still closed against the vessels of the Texians, and will not admit them to the rights of belligerants out of the territory which is the theatre of the war.

The undersigned apologizes to the Secretary of State for the length of this note, and avails himself of the occasion to repeat to the honorable John Forsyth the assurances of his most distinguished consideration.

MANUEL E. DE GOROSTIZA.

Hon. John Forsyth,
*Secretary of State.*

A.

U. S. District Attorney's Office,
*New York, September* 1, 1836.

Sir: I had this afternoon the honor to receive your letter of this date, advising me of the arrival at the port of New York of a vessel called the Texian schooner Brutus, and hasten to apprize you of my earnest wish to render every aid in my power to prevent a violation of the laws of the United States, or an infringement of their treaty with the republic of Mexico. In this wish I am not only prompted by a sense of duty, but by the expressed determination of the Executive of this Government to observe an entire neutrality as regards the revolution which agitates the Government you represent.

To promote the object of your letter, I have instructed the marshal of this district carefully to observe the conduct which may be pursued by the commander of the Brutus, and immediately to report any acts that will justify my interference as public prosecutor. Such other measures will be adopted as circumstances may suggest, to detect and promptly punish any violation of law tending to interrupt the friendly relations between our respective Governments. Permit me to invite your co-operation in this duty, by informing me of such facts, within your knowledge, as may subject the factors to the penalties of the United States laws, by which it is forbidden, within the limits of the United States, to fit out and arm, or attempt to fit out and arm, or to increase and augment the force of a vessel of war, cruiser, or armed vessel, or to begin or set on foot a military expedition or enterprise within the United States, to be carried on from these against the dominions of a foreign State, colony, or people, with whom the United States are at peace.

With great respect, your most obedient servant,
WILLIAM M. PRICE,
*United States District Attorney.*

To Mr. Sebastian Mercado,
*Mexican Consul, New York.*

B.

New York, *September* 8, 1836.

Sir: I have the honor to acknowledge the receipt, yesterday, of your letter propounding certain inquiries respecting the Texian vessel now in this port. To the first inquiry, viz. "whether said schooner is a merchant vessel, a vessel of war, or a privateer," I answer that she is a national vessel, the commander of which has shown to me his commission as such, from the President of the republic of Texas.

To the second question, viz. "upon what grounds this office has admitted said vessel," I beg leave to state that, having received no orders from my own Government to interdict the entrance, into this district, of the vessels of the republic of Texas, I do not feel myself authorized to exclude or molest her unless she violates the laws of this Government.

To the third inquiry, viz. "upon what grounds this office acknowledges a flag that is not acknowledged by the United States," I am constrained to answer, that it has been the practice at this port to treat with respect and courtesy the flags of such nations as have declared themselves independent, and *maintained their independence against the authority of the country* from which they have seceded. That was the case, always, with respect to the Mexican flag before its independence was acknowledged by any Government in America or Europe. It is believed that down to the present period, Spain herself has never acknowledged the independence of Mexico, notwithstanding this and other Governments have. I might add further, that the public armed vessels of the Government of Texas, having for the last six or eight months been constantly arriving at and departing from the port of New Orleans, without any hinderance on the part of the officers of the customs of that port, and, so far as I am advised, without any complaint on the part of the Mexican Government or its representative, furnishes a reasonable inference that my Government have issued no orders forbidding the use of the waters of the United States to vessels of the description referred to.

I trust the answers given to the inquiries contained in your note will be satisfactory to yourself, and also to his Excellency, the envoy from Mexico, under whose instructions you have addressed me.

I am, sir, with the greatest respect, your obedient servant,
SAMUEL SWARTWOUT.

Sebastian Mercado, Esq.
*Mexican Consul, New York.*

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*Translation of a letter from the Mexican Consul at New Orleans to his Government; the copy of which forms document C, annexed to the note from M. Gorostiza, dated September* 12, 1836.

C.

Mexican Consulate at New Orleans.

*To the chief officer charged with the Department of Relations of the Mexican Republic:*

I have the honor to send you with this, the copy of a despatch addressed by me yesterday to the chargé d'affaires of the republic near the Government of these States, together with the copy of the document to which I refer in that despatch. You will thereby see, sir, that, in order to make known to that gentleman the nature of the reception of the armed schooner which entered this port on the 2d ultimo, from Velasco, under the character of Texian, and bearing the name of Liberty, (as I informed you in my note (No. 5) of the day and month above stated,) I addressed, on the 5th instant to Mr. J. W. Breedlove, the collector of the custom-house of this port, a plain, and undoubtedly a courteous letter. To this letter, as you will see by my despatch to M. Castillo, that American officer has not deigned to reply, although four days have elapsed, which were certainly a sufficient period for him, if he had chosen to give me an answer.

Mr. Edmund J. Forstall, a wealthy merchant of this place, on learning the circumstance, entreated me, before I informed you of it, to allow him to speak to Mr. Breedlove on the subject, as he foresaw the bad effects which such conduct on the part of this officer of the confederacy might produce on the commercial relations and the friendship between the two republics. I willingly acceded to this proposition of Mr. Forstall's from the persuasion that the intervention of so respectable a person might be attended by the consequences desired; he, however, last night informed me that *the collector of the custom-house had determined to make no answer to my letter.*

I hasten to communicate to you, sir, this strange occurrence, that you may submit it to his Excellency the acting President of the republic. I do not venture to make any remarks upon it, as I do not wish to add to the existing irritation, and as, indeed, comments upon it would be superfluous. I will send to M. Castillo y Lanzas a copy of this part of my despatch, by the mail of to-morrow, that he may use the contents as he may think proper.

God and liberty. New Orleans, February 10, 1836.
FRANCISCO PIZARRO MARTINEZ.

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*Mr. Forsyth to Mr. Gorostiza.*

Department of State,
*Washington, September* 20, 1836.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of

Mr. Gorostiza, envoy extraordinary and minister plenipotentiary of the Mexican republic, of the 12th instant, complaining of the conduct of the collector of New York, in permitting a vessel under the Texian flag to enter that port, and expressing the hope that the United States will declare their ports to be closed against the vessels of the Texians, and will not admit them to the rights of belligerants out of the territory which is the theatre of war. In reply, the undersigned has the honor to observe, that the course pursued by the collector of New York, in declining to exclude the vessel in question, which bore a flag alleged to be that of Texas, and the commander of which exhibited a commission purporting to be from the President of that country, or to seize or otherwise molest her, after she had entered, was in accordance with the principles and practice which have been invariably observed by this Government, from the first breaking out of the revolution among the Spanish provinces on this continent to the present time. There is nothing contradictory of this position in the passage which Mr. Gorostiza has quoted from the message of Mr. Monroe, then President of the United States, to Congress, of the 8th of March, 1822, when properly understood and construed in connexion with the antecedent acts and declarations of the Executive. It is obvious that the exclusion of the vessels of the one party from the ports of the United States, and the admission of those of the other, would be inconsistent with an *impartial neutrality*; and yet the President, in the same message from which Mr. Gorostiza has quoted, states that, "through the whole of this contest the United States have remained *neutral*, and have fulfilled with the *utmost impartiality* all the obligations incident to that character." In a previous message, of December 7th, 1819, he observes: "In the civil war existing between Spain and the Spanish provinces in this hemisphere, the greatest care has been taken to enforce the laws intended to preserve an *impartial neutrality*. *Our ports have continued to be equally open to both parties, and on the same conditions.*" This language plainly refers to the whole of the contest; and the President is not to be understood, in his subsequent message, to which Mr. Gorostiza has referred, as intending to say that the vessels of either party were only permitted to enter the ports of the United States, *from the period when the success of such party appeared to be probable*. The construction which Mr. Gorostiza has given to the particular passage he has cited, is not only contradicted by other passages from the messages of the same Executive officer, but still more strongly, if possible, by the uniform *acts* of this Government in that and similar cases. It is a well-known fact that the vessels of the South American provinces were admitted into the ports of the United States, under their own or any other flags, from the commencement of the revolution: and it is equally true that, throughout the various civil contests that have taken place at different periods among the States that sprung from that revolution, the vessels of each of the contending parties have been alike permitted to enter the ports of this country. It has never been held necessary, as a preliminary to the extension of the rights of hospitality to either, that the chances of the war should be balanced and the probability of eventual success determined. For this purpose, it has been deemed sufficient that the party had declared its independence, and, at the time, was actually maintaining it. Such having been the course hitherto pursued by this Government, however important it might be to consider the probability of success, if a question should arise as to the *recognition of the independence of Texas*, it is not to be expected that it should be made a prerequisite to the mere exercise of hospitality implied by the admission of the vessels of that country into our ports. The declaration of neutrality made by the President in regard to the existing contest between Mexico and Texas, was not intended to be confined to the limits of that province, or of "the theatre of war," within which it was hardly to be presumed that any collision would occur, or any question on the subject arise; but it was designed to extend everywhere, and to include as well the United States and their ports as the territories of the conflicting parties. The exclusion of the vessels of Texas, while those of Mexico are admitted, is not deemed compatible with the strict neutrality which it is the desire and the determination of this Government to observe in respect to the present contest between those countries; nor is it thought necessary to scrutinize the character or authority of the flag under which they may sail, or the validity of the commission under which they may be commanded, when the rights of this country and its citizens are respected and observed. In this frank expression of the views and policy of the United States in regard to a matter of so much interest as the war now waging between Mexico and its revolted province, it is hoped that new evidence will be perceived, not only of the consistency and impartiality of this Government in its relations with foreign countries, but of the sincere desire which is entertained, by such an exposition of its course, to cherish and perpetuate that friendly feeling, which will see in the scrupulous regard that is paid to the rights of other, and even of rival parties, one of the surest guarantees that its own will continue to be respected.

The undersigned avails himself of this opportunity to renew to Mr. Gorostiza the assurance of his distinguished consideration.

JOHN FORSYTH.

His Ex. Señor Don M. E. DE GOROSTIZA, &c.

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*Mr. Forsyth to Mr. Gorostiza.*

DEPARTMENT OF STATE,
*Washington, September* 17, 1836.

The Secretary of State has just received a letter from the President, which makes it important that he should have an interview, as early as practicable, with Mr. Gorostiza, the Mexican minister plenipotentiary.

The Secretary invites Mr. Gorostiza to call at the Department at his earliest convenience.

JOHN FORSYTH.

His Ex. Sr. Don M. E. DE GOROSTIZA, &c.

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*Mr. Gorostiza to Mr. Forsyth.*

[Translation.]

MEXICAN LEGATION EXTRAORDINARY,
*Philadelphia, September* 18, 1836.

MY DEAR SIR: I have just received the note which you did me the honor to address to me yesterday, and, in consequence of it, although my health is very wretched, I shall leave this place on the day after to-morrow, so that I shall have the pleasure of seeing you at the Department of State on the 21st instant, or the 22d at farthest.

I conclude by repeating to you, Mr. Secretary of State, the assurances of my very distinguished consideration.

M. E. DE GOROSTIZA.

To the Hon. JOHN FORSYTH,
*Secretary of State.*

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*Memorandum.*

DEPARTMENT OF STATE,
*Washington, September* 23, 1836.

In compliance with the instructions of the President, I had this morning an interview with Mr. Gorostiza, and read to him General Santa Anna's letter to the President, and the reply. I also informed Mr. Gorostiza that it appeared by letters to General Gaines, from one of the subaltern officers, that some of the troops of the United States

were at Nacogdoches. I read to Mr. Gorostiza portions of the President's letter to General Gaines of the 4th September, which related to apprehended Indian disturbances in that quarter, and his express directions to that officer not to advance into the Mexican territory, and, if occupying it, to retire, unless Indian hostility had actually begun, or he had undoubted evidence that it was intended, and preparations were making for it. Mr. Gorostiza denied, most explicitly, the possibility of such intention on the part of the Indians as anticipated or desired by Mexico. He protested against the discretionary authority given to General Gaines to remain on the Mexican territory, offering to guaranty that the fact of any movement of the Indians being solicited by Mexico or Mexicans was false; insisted upon his answer to a letter inquiring whether General Gaines's troops were on Mexican territory, and protested that their remaining would impose upon him the painful duty of withdrawing from his mission, and returning to his Government. Mr. Gorostiza did not deny the right of the United States, if the facts were true, to take upon itself the defence of its frontiers, and to advance upon Mexico, who would, in that case, have been false to her obligations under the law of nations and to her treaty stipulations. I reminded Mr. Gorostiza, that, on the principle involved, there was no dispute between the two Governments: the only question was one of fact, which a short time would solve; and he would have perceived, by the orders of the President, that the troops of the United States would be withdrawn, whenever the truth was ascertained, if he was correct in his belief. Mr. Gorostiza proposed to direct, himself, to General Urrea, a representation of what he had said on this subject, and to abide by his answer, relying upon his positive denial of the truth of the charge against the Mexicans; and that he would give assurance that Indian intervention in the war, or hostility to the United States, had not only not been, but would not be, in any event, sought for or permitted in violation of the treaty with the United States.

The interview concluded by my requesting Mr. Gorostiza to acquaint his Government with the information he had just received from me. As to his proposition of reference to General Urrea, I could only reply to it, after having seen the President, who would return to the city in a few days.

JOHN FORSYTH.

Having examined the above at the request of the Secretary of State, I find it substantially correct.

M. E. DE GOROSTIZA.

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*Abstract of two letters from the President to General Gaines, given to Mr. Gorostiza, September 26th.*

"The President, in his letter to General Gaines of the 4th September, 1836, observes that the United States are strictly neutral with regard to the struggle going on in Texas, and that this neutrality must be observed and maintained by General Gaines as commander of the United States forces on that frontier. It is one of the duties of Mexico to prevent the Indians within her territory from committing hostilities against the citizens of the United States, and, if Mexico be unwilling or unable to perform that duty, the United States are authorized by the law of nations and the right of self-defence, to perform it for her. If General Gaines should be satisfied that any body of Indians who disturb the peace of the frontier of the United States, receive assistance or shelter within the Mexican territory, it is not to be presumed that Mexico will take offence at the adoption, by him, of the most speedy and decisive measures for punishing those Indians, and depriving them of the means to prosecute their lawless designs against the lives and property of American citizens. For this purpose it will be proper for General Gaines to take an advanced position which may be most favorable for securing the frontier, and he will be authorized to pursue the Indians wherever they may be found, without regard to the Mexican limits, or to those now claimed by the Texians. General Gaines must, however, be careful not to be deceived by the evidence on which an act involving so much responsibility is to be justified; and the troops of the United States must not occupy an advanced post in the Mexican territory, unless it be necessary, unless the peace of the frontier be actually disturbed, or there be a moral certainty that the Indians are in hostile array for the purpose, and are obtaining the means of operation from the Mexican territory. Should General Gaines receive evidence that the Indians are committing hostilities, and that they pass through the Mexican territory, or otherwise use it in accomplishing their savage designs, it is his duty, for the performance of which he is responsible, as commander of the forces charged with the protection of the frontier of the United States, to pursue and take those Indians wherever they can be found.

"The President concludes by cautioning General Gaines against holding any correspondence with the chiefs of Mexico or of Texas, other than is indicated in the instructions which he has received or may receive from the Government of the United States. General Gaines is aware that the Mexicans have already charged his soldiers with having fought and defeated them at the battle of San Jacinto, and although no charge could be more groundless, yet the circumstance of its having been made shows the necessity of caution on the part of General Gaines.

"In his second letter to General Gaines, written also on the 4th of September, 1836, the President, in addition to what he had said in the first letter, directs General Gaines, in case that the accounts that the Indians are in hostile array, and that their designs have been favored or countenanced by the Mexican General should prove to be true, to march with his whole force to Nacogdoches, or to such other point as he may consider best calculated to enable him to guard the frontier, and to operate successfully against the Indians thus combined and engaged to make war on the United States. General Gaines has been already informed of the President's views with regard to the right of self-defence possessed by the United States, when Mexico fails to fulfil the engagements made in the treaty by keeping the Indians at peace with their citizens. The United States have to maintain their neutrality, and General Gaines's authority to occupy a position beyond their limits will rest upon the necessity of doing so, as the means of protecting their frontier. Should General Gaines find the statement respecting the Mexican General's agency in exciting the Indians to war against the United States to be untrue, and the Indians disposed to remain at peace, he will, of course, immediately withdraw his forces from Nacogdoches to his place of encampment on the Sabine; but should those statements be true, he is immediately to call into service the thousand volunteers organized in Arkansas, and the same number organized in Missouri under the late act of Congress, and to advance with his whole force to Nacogdoches, or to any other point favorable for the protection of the frontier and the suppression of Indian hostilities in that quarter. If Mexico, (concludes the President,) regardless of her engagements made by treaty with the United States, excites the Indians to war against them, she cannot complain of their employing the most prompt and energetic measures for their own defence, or of their occupying a portion of the Mexican territory, if it be necessary to prevent the evils which she has occasioned. General Gaines must act according to his own discretion upon the information he may obtain, always bearing in mind the neutral position of the United States with regard to the contending parties in Texas, and the obligations of the treaty in reference to the Mexican authorities."

*Mr. Gorostiza to Mr. Forsyth.*

[Translation.]

LEGATION EXTRAORDINARY OF MEXICO,
*Washington, September* 23, 1836.

The undersigned, when he called the attention of the honorable John Forsyth, Secretary of State of these United States, to the enlistment of volunteers for Texas, in which General Dunlap is now engaged in the State of Tennesse, not only bore in mind the recent notice to which he alluded at that time, but also recollected that he had not long before read a letter from General Houston to the said Dunlap, which undoubtedly referred to the same enlistment, and which, at least, left no doubt as to the *Texian* relations existing between the two Generals. This letter was published in the Commercial Advertiser of New Orleans, of July 6th; it was copied in all the papers of the Union, and has been disavowed by none.

The undersigned is indeed well aware that many statements daily appear in the public prints which are so entirely without foundation that the Department of State cannot notice them; but the Secretary of State must, on his part, also know that there are so many places in the United States in which the friends of Texas are now infringing the laws, to the injury of Mexico, that the undersigned cannot possibly keep agents in each of them for the purpose of denouncing such persons to the respective authorities; and that, consequently, the undersigned cannot neglect the slight accounts which he receives from the press, without running the risk of failing in the performance of one of his principal duties.

The Department of State may hereafter determine with greater probability of assurance, whether the undersigned has or has not cause for alarm, and may also at present act according to its own conviction and conscience.

The undersigned avails himself of this opportunity to renew to the honorable Secretary of State the assurances of his most distinguished consideration.

M. E. DE GOROSTIZA.

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*Mr. Gorostiza to Mr. Forsyth.*

[Translation.]

LEGATION EXTRAORDINARY OF MEXICO,
*Washington, September* 27, 1836.

SIR: I have again read the statement of our conference of the 23d instant, which you, Mr. Secretary of State, have drawn up for the President, and have found it substantially correct. I think, however, it will be necessary, in order to avoid any misunderstanding hereafter, to have it explained that I agreed with you at the time on the principle that neither the Mexican Government nor any one of its officers, by its order, could ever employ the uncivilized (*salvages*) Indians in the contest in Texas, without jeopardizing, to a certain extent, the security of the frontier of the United States, and the lives and property of its inhabitants; that hence, if at any time such a thing were done (which appeared to me impossible) and the Indians at the instigation of the Mexican Government or agents came to invade or commit hostilities against the territory of the United States, in such supposed case, I agreed with you, that Mexico would have failed in the duty imposed on her by the 33d article of the existing treaty, and would have moreover violated the most obvious principles of the law of nations; hence, also, I considered that, in such a case, *and in such a case only*, would the United States be justified, after having repulsed the Indians, in occupying temporarily with their troops a position in the Mexican territory, as a means of security from a similar immediate aggression, until Mexico should have satisfied them respecting what had occurred, and have given them sufficient guarantees for the future. I repeat, however, that all this rests upon a merely supposed case.

With regard to the communication which I mean to address to General Urrea, as soon as the President shall have ordered the troops of the United States to evacuate the Mexican territory invaded by them, and not before, it will consist merely of a copy of the note which I shall write on this subject to my Government, making known the assurances given by me in its name to the Government of the United States, respecting the employment of the said uncivilized Indians as imputed to it. This I expressed to you in the said conference, and I had, at the same time, the honor to inform you that, if I should now write to General Urrea, it would not be because I sought or needed his co-operation in this matter, but because I considered it advantageous to all parties that the notification of my agreement with this Government should be forwarded to him by the way of Pensacola and Matamoras, instead of allowing him to wait until he should receive it from Mexico. His answer to my communication could be nothing more than acknowledgment of its reception; and I could therefore never have thought of abiding by it (*gobernarme*) in any way. I believe from my acquaintance with the principles and intentions of my Government, that I can, without fear, take upon myself any responsibility to which this affair may subject me.

I embrace this opportunity, Mr. Secretary of State, to repeat to you the assurances of my most distinguished consideration.

M. E. GOROSTIZA.

Hon. JOHN FORSYTH,
*Secretary of State.*

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*Mr. Dickins to Mr. Gorostiza.*

DEPARTMENT OF STATE,
*Washington, September* 28, 1836.

The undersigned, acting Secretary of State of the United States, has the honor to inform Mr. Gorostiza, envoy extraordinary and minister plenipotentiary of the Mexican republic, that his communication of yesterday's date was received a short time after the departure of Mr. Forsyth for Georgia. On the return of the President it will be laid before him.

The undersigned renews to Mr. Gorostiza the assurances of his highest consideration.

ASBURY DICKINS.

His Excellency Señor Don M. E. DE GOROSTIZA.

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*Mr. Gorostiza to Mr. Dickins.*

[Translation.]

LEGATION EXTRAORDINARY OF MEXICO IN THE UNITED STATES OF AMERICA,
*Washington, October* 1, 1836:
*(Ten o'clock in the evening.)*

SIR: At this moment I read with indignation in the newspapers of New Orleans, just arrived, a proclamation of General Houston's, which confirms all my fears and realizes all my predictions. In it, General Houston, styling himself President of Texas, and under the pretext that *some* Indians had told him that *other* Indians, in conjunction with the Mexicans, (who had not then moved from Matamoras,) were about to attack Nacogdoches, orders the militia of the adjoining counties to take up arms *in order to sustain the troops of the United States garrisoning that place, until General Gaines should send reinforcements to it.* He, moreover, in this proclamation, informs the officers of the said militia that, as they arrive at Nacogdoches, they must *report themselves to the commander of the United States troops, and remain subject to his order.*

Although I cannot persuade myself as yet, that this General Houston has the slightest grounds for relying upon the co-operation of the troops of the United States in favor of

the rebellion in Texas, nevertheless, I draw the conclusion, from this impudent document, that he is endeavoring to make it appear so, in order to mislead, by this fallacy, the adventurers whom he heads. When the volunteers of Texas shall have *fraternized* in the same garrison with the troops of the United States, how easy will it be for them to go together to battle, whenever the Mexicans advance. The slightest incident will then serve as a pretext, and General Houston will certainly not disregard it.

Therefore, for this additional reason, and as the President has arrived in Washington this day, I again entreat you, Mr. Acting Secretary of State, to solicit from that gentleman, as speedily as possible, a final and explicit determination with regard to that which forms the sole object of my notes of July 28, August 4, and September 10 and 27. As the violation of the Mexican territory has been already unfortunately effected by the troops of the United States, every minute which elapses without relieving it from this heavy evil, renders deeper the wounds inflicted on the honor, the rights, and the interest of the nation which I have the honor to represent.

I embrace this opportunity to renew to you, Mr. Acting Secretary of State, the assurances of my most distinguished consideration.

M. E. DE GOROSTIZA.

To the Hon. Asbury Dickins,
*Acting Secretary of State of the United States.*

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*Mr. Dickins to Mr. Gorostiza.*

Department of State,
*Washington, October* 13, 1836.

The undersigned, acting Secretary of State of the United States, has laid before the President the communications from Mr. Gorostiza, envoy extraordinary and minister plenipotentiary from Mexico, dated the 4th of August, and those subsequently received on the same subject, together with Mr. Forsyth's memorandum, and Mr. Gorostiza's explanations of the conference of the 23d ultimo. Mr. Gorostiza's note of the 28th of July had been previously transmitted to the President, at the Hermitage.

The undersigned is directed to acquaint Mr. Gorostiza that the President has given the fullest consideration to the request made by the Mexican Government, through Mr. Gorostiza, for the recall of the instructions transmitted to General Gaines, respecting the temporary occupation of a post within the territory heretofore claimed by Mexico, in case such occupation should be found necessary for the protection of the frontiers of the United States.

By the 33d article of the treaty between the United States and Mexico, each party binds itself to restrain, by force, the Indians within its limits from all hostile incursions upon the inhabitants of the other. It is well known that, at present, Mexico is unable to fulfil her part of this stipulation. The United States have, therefore, the double duty to perform, of preventing their own Indians from hostile incursions into Texas, and of preventing those of Texas from entering into the United States. Their first obligation is to Mexico under the treaty: the second, is to the people of the United States, to whom, as a paramount duty, the Government owes safety and protection. If, by the failure of Mexico to fulfil her part of the obligation, it becomes necessary for the United States to occupy a portion of the contiguous Mexican territory, in order to be able to perform that duty, they have, from the necessity, the right to do so.

It is true that, from the fulfilment of this engagement to Mexico, the United States may be released by Mexico. And the objection made by that Government, through Mr. Gorostiza, to the troops of the United States passing the frontier for the purpose of restraining the Indians of the United States from hostile incursions against the inhabitants of Mexico, so far qualifies that engagement as to relieve the United States from the necessity, and thus take away from them the right to pass the frontier for that object.

But the right which results from the obligation of the Government to the people of the United States remains, like the obligation itself, in full force. Over that Mexico can exercise no control; nor can she either qualify or take it away. It is founded on the great principle of self-preservation, which, as it constitutes the first and highest duty of all states, forms the very essence of the law of nations. The present inability of Mexico to restrain the Indians within her territory from hostile incursions upon the citizens of the United States, if they should once be engaged in hostility near the frontier, and the barbarous character of their warfare, which respects neither the rights of nations nor of humanity, render it imperative on the United States to adopt other means for the protection of their citizens. What those means should be must depend upon the nature of the danger. Should that require the temporary occupation of passes beyond the frontier, the duty of self-defence gives them the right to such occupation. It needs no justification but the necessity which led to it. But, least of all, could it afford just ground of complaint to Mexico, since it would be the result of her own non-fulfilment of the stipulations of the treaty, and since the United States would be doing only what she herself had engaged to do. Mexico, indeed, would have reason to congratulate herself that the United States had found means to prevent evils for which, except for her own inability to prevent them, she would herself be responsible.

It is with these views of the stipulations of the treaty, and of the principles of national law applicable to the subject, and of his own obligations under the circumstances, that the President has acted. All the instructions to General Gaines have restricted him to such occupation as may be found a necessary measure of self-defence. And those under which he or his successor is now acting, fall far within the principles which have been just set forth. He has been directed not to advance into the territory claimed by Mexico, and, if he should have advanced, to retire, unless the Indians are actually engaged in hostilities against the citizens of the United States, or unless he has undoubted evidence that such hostilities are intended and are actually preparing within that territory.

These instructions the President cannot recall consistently with the obligations of the high trust confided to him by the people of the United States, unless he shall be satisfied that the danger of such hostilities no longer exists.

If Mexico were in a condition to control the Indians within the territory heretofore occupied by her, such instructions would have been unnecessary, and would never have been given. The President would have relied upon the treaty; and the dangers against which he now finds it his duty to guard, it would have been the duty of Mexico to prevent.

Notwithstanding Mr. Gorostiza's more limited admission of the rights of the United States, it cannot be justly denied that, if either of the contingencies provided for in the instructions to General Gaines actually existed, and were known to the President, it would be his duty immediately to take the measures which General Gaines is now authorized to take when such contingency shall have happened. As the danger was represented to be imminent, and the distance of the frontier exposed to it is great, the charge of ascertaining the existence of these contingencies was confided to the commanding general. It was confided to him, however, with all the admonitions necessary to secure its faithful execution; and it is to be exercised under all the responsibility, moral and official, which the importance of the consequences resulting from it may create. His proproceedings will be open for inquiry; and the undersigned is

authorized to assure Mr. Gorostiza that the President will sanction no disregard of the instructions which have been given for his government.

To these instructions others have been added, enjoining the commanding general scrupulously to respect the rights of Mexico under the treaty, and religiously to observe and maintain a strict neutrality in the contest between Mexico and Texas.

Though it may be unnecessary, yet, for greater safety, the attention of General Arbuckle, who succeeded General Gaines in the command of the western frontier, will be particularly directed to the proper observance of these instructions.

Whether any portion of the troops of the United States are now at Nacogdoches, or within the territory heretofore claimed by Mexico, the undersigned is unable to state. Mr. Gorostiza was informed by Mr. Forsyth, in the conference of the 23d ultimo, that it appeared by letters to General Gaines, from one of his subaltern officers, that some troops of the United States were at Nacogdoches. It would appear, by information in the War Department, that they were there on the 4th ultimo. But no intelligence has been received since the conditional directions given by the President in respect to the withdrawal or continuance of the troops at that place. Hence Mr. Gorostiza will perceive that, until the arrival of further information, which may be looked for in a short time, no positive answers can be given to his inquiry on the subject. It will be gratifying to the President to learn that, under the conditional instructions given to General Gaines, that officer, or his successor, may have found himself authorized to withdraw the troops.

In respect to the pledge offered by Mr. Gorostiza in his conference with Mr. Forsyth, that the uncivilized Indians have not been, and will not be employed by Mexico, or by the Mexican officers at the suggestion of the Mexican Government, in the war in Texas, or in hostility against the United States, the undersigned is instructed to inform Mr. Gorostiza that the President receives it with great satisfaction. Reports of a contrary character had been received by General Gaines and made known to the President. Without admitting their truth, the President had nevertheless deemed it proper to take measures to avert the danger which they threatened. General Ga[illegible] was therefore directed, if he should find it true th[illegible]ican officers were exciting the Indians to hostilities against the United States, forthwith to call into service certain volunteers authorized by a late act of Congress, and to advance with his whole force to Nacogdoches, or the point most favorable for protecting the frontiers and putting an end to all Indian hostilities on our border. The import of Mr. Gorostiza's assurances, which the President cannot doubt are made with a full knowledge of the views of the Mexican Government, and upon which he places entire reliance, will be immediately communicated to the successor of General Gaines. Mr. Gorostiza will perceive, however, that though the liberal policy of Mexico of not employing the Indians in the war in Texas, will lessen the danger of an interruption to the peace of the frontiers, yet, as Mexico is not now in a condition to prevent hostilities on the part of the Indians, this assurance of Mr. Gorostiza's, gratifying as it is, is not alone sufficient to justify the President in countermanding the measures he has taken with a view to defence against such hostilities arising from other causes.

The President has given, throughout, the strongest proofs of his desire to act in this matter with all the respect due to the rights of Mexico. When the instructions were first given to General Gaines, the urgency of the danger was considered too great to admit of the delay requisite for any previous understanding between the two Governments on the subject. By the President's directions, however, all the explanations and assurances which the occasion called for, or which were due to the friendly relations between the two countries, were made to Mr. Gorostiza by Mr. Forsyth; and the President did not doubt that, in the confidence which the well-known good faith of the United States inspires, these would have proved satisfactory. It was with great regret that the President found himself disappointed in these expectations. He nevertheless persuades himself that, when more fully informed of the motives and objects of the measure to which Mr. Gorostiza has been instructed to object, of its limited, temporary, and purely defensive character, and of the positive directions which accompanied it for respecting the rights of Mexico under the treaty, and maintaining the strictest neutrality, the Mexican Government will cease to see in it any cause of dissatisfaction.

The undersigned avails himself of the occasion to offer Mr. Gorostiza renewed assurances of his most distinguished consideration.

ASBURY DICKINS.

His Excellency
Senor Don Manuel Eduardo de Gorostiza, &c.

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*Mr. Gorostiza to Mr. Dickins.*

[Translation.]

Mexican Legation Extraordinary near the United States of America,
*Washington, October* 15, 1836.

The undersigned, envoy extraordinary and minister plenipotentiary of the Mexican republic, has learned with most profound regret, by the note dated the 13th instant, which he yesterday received from the honorable Asbury Dickins, acting Secretary of State of the United States, that the President, relying solely on the principle of self-defence, has not thought proper to attend to the just complaints of the undersigned, respecting the violation of the Mexican territory by the trooops of General Gaines, and that, on the contrary, he persists in his intention to maintain the right, which, in his opinion, he possesses, to continue such violations hereafter, whensoever he may consider them proper for the better defence of the frontier of the United States.

The undersigned evidently cannot for a moment admit the existence of such a right, because it would be equivalent to acknowledging that every nation might occupy with its troops the territory of another, without taking any further trouble than merely to conceive beforehand that there appeared to be a necessity for this measure, and because such a right would be a continued threat held out against the sovereignty and independence of every other nation; otherwise, what nation would not desire to strengthen its frontier at the expense of its neighbors, if its own conviction were admitted as sufficient to justify the act?

It is also evident that the undersigned cannot accede to the latitude which the President gives to the principle of self-defence, as applied to the present case. This principle would never have been allowed, were it not, as it is, founded in justice and reason; were it not, like all the other principles, together composing the law of nations, derived from that natural law which the ancients termed the law of God, and which, while it fixes upon us the obligation of preserving and defending ourselves, equally prohibits us from so doing to the evident injury of a third party, unless in a case of absolute necessity, when the danger is imminent, when it cannot be avoided by any other means, and when the injury apprehended is infinitely greater than that which we are about to occasion. Now, can it be said that the violation of the Mexican territory has been produced by a necessity of that nature, accompanied by its three inseparable conditions? The undersigned is as yet aware of nothing which would lead to such a conclusion.

From what the undersigned has observed, the supposed premeditated attacks of the Indians on the frontiers of the United States, have existed only in the imaginations of the Texians, and of their partisans; in other words, they were purely and entirely the inventions of such persons, originating solely in the malignant desire of injuring Mexico. The truth of this assertion will be rendered sufficiently evident, by a mere relation of the circumstances. So long as the colonists of Texas remained in submission to the laws of Mexico, nothing was heard of any desire on the part of those Indians to commit hostilities against the United States; this, too, although since 1832 there has not been a Mexican soldier at Nacogdoches, nor anywhere else near the frontier; neither was any thing said about Indians during the whole period of the rebellion in Texas, before or after the capture of Bejar by the Texians, [illegible] the month of March, when the Mexican army, victorious at all points, passed the Brassos river. There was then no doubt that it would soon reach the Sabine, and then, for the first time, it was pretended that fifteen hundred Indians and Mexicans were within a few miles of Nacogdoches, laying waste the country with fire and sword—a gross falsehood, invented solely for the purpose of inducing General Gaines to approach the Sabine with his troops, as he in fact did. But, after the battle of San Jacinto, the danger to which the Texians had been exposed disappeared, and the Indians also disappeared in consequence. General Gaines, who had a few days before called for a thousand mounted riflemen to enable him to meet an enemy considered still more formidable, then confessed that the alarm was false, and that those reinforcements were not needed. A calm ensued, which continued just so long as it was believed in Texas that the Mexican Government would confirm the treaty, which nothing but force could have induced General Santa Anna to sign; but when, about the end of June, it was known that Mexico was preparing for a new campaign, immediately, as if by enchantment, the hostile Indians again appeared, according to the statements of the *Texian* commissioners who went to Matamoras to effect an exchange of prisoners, according to the information given by the *Texian* General Rusk to General Gaines, according to the communications received by the latter general from various *Texians*, and according to the account given by the *Texian* Major Sterling C. Robertson to General Gaines of the murder of two white men on the Navisota. At that time, also, did General Gaines consider those same mounted riflemen, whose advance he had countermanded after the battle of San Jacinto, again necessary, in order to oppose the *principal belligerant*; and at that time, also, did the defence of the frontier of the United States require that Nacogdoches should be occupied, although Nacogdoches is situated fifty miles beyond that frontier. Can any thing be more clear? If not, the undersigned would be glad to learn what evidence General Gaines has received, to induce him to take the step which he has taken, other than from the enemies of Mexico, from those to whose interest it was that the United States should risk their neutral position with regard to the territory of Texas.

Now, if there never has been really any danger; if these rumors, from the very circumstance of the source from which they were derived, ought never to have occasioned any alarm; if a part of these rumors, repeatedly raised during the last seven months, have been, some frequently, and others constantly belied by facts, what confidence should be placed in them? How could such a danger ever have appeared imminent? How could it have been termed *inevitable?* In fine, where was the absolute necessity for applying the principle of self-defence, and for trampling under foot, in the name of that principle, as has been done, the most sacred rights of a friendly nation?

But the President, says Mr. Dickins, was obliged to confide in the information which he received from the general in command on the frontier, and he is ready to punish that general, if he should have varied ever so slightly from his instructions. To this, the undersigned answers, in the first place, that the partiality of General Gaines in favor of the Texians is matter of notoriety, and that his credulity since he has been charged with the command on the frontier, has been so great, that his statements should have had no weight with one so enlightened as the President of the United States: especially since his character, and the influences by which he was at that time guided, have been so clearly exposed by the Governor of Louisiana and General Macomb. In the second place, the undersigned observes that the punishment of General Gaines, or of any other general who may hereafter act in this affair contrary to the orders received from the President, can be of no advantage to Mexico; it cannot tranquillize her at present, nor repair the immense injury which she has sustained, and may yet sustain, from the abuse already committed, or which may be committed in consequence of the discretionary power vested by the President in the general commanding on the frontier. Of what import to Mexico would be the dismissal of either of these generals, if the Mexican territory has been invaded through their misconduct? If the effect of this invasion has been to inspire the Texians with greater confidence, and to add to their forces thousands of volunteers who would never have gone to Texas had they not believed that they could depend on material assistance from the troops of the United States? If, in fine, by prolonging or repeating the said invasion during the period of the approaching campaign, the mere presence of the troops of the United States should be sufficient to produce embarrassments, dangers, or collisions, which might overthrow the best concerted plans of the Mexican army? Mr. Dickins will agree with the undersigned, that the Mexican Government could not receive as sufficient a guarantee which assures it against none of the many risks to which Mexico may be subjected.

Mr. Dickins, on this subject, observes that the instructions last sent to General Gaines were more precise and determinate than the preceding ones, and, consequently, that his successor, General Arbuckle, may, by following them, more easily carry into effect the wishes of the President. But, if the instructions to which Mr. Dickins alludes are those contained in the President's letter to General Gaines of September 4, the undersigned cannot agree with the acting Secretary of State on the subject. On the contrary, he considers these last instructions a thousand times more arbitrary than the first: the first instructions at least fixed the point at which the invasion was to be made, whilst the others leave the general in command on the frontier at full liberty to pursue the Indians, who in his conception might be disposed to commit hostilities against the United States, until he should reach them, and afterwards to take up a position in whatever part of the whole Mexican territory he might think proper.

The President does indeed charge the general not to allow himself to be deceived by his informers, and to operate in this way only when there should be a *moral* certainty that the Indians are in some way using the Mexican territory in order to prosecute their plans of aggression. But were not the same charges given in different language to General Gaines, on the 4th of May and the 11th of July, by Mr. Cass, the Secretary of War? We have already seen how far General Gaines was restrained by these charges, and how far his successors are likely to be restrained by them, if they yield, as he did, to to the same influences, and allow themselves to be inveigled by the same machinations. And such must certainly be the case, as all the accounts which these commanding generals receive

must be derived from a country inimical to Mexico, and must come to them disfigured by rancor and malice.

For this reason, the undersigned has always protested, ever since his replies to Mr. Forsyth's memorandum of April 20, against the discretionary power with which the general in command on the frontier had been invested. From his own experience in men and affairs, he was immediately convinced that such a power would sooner or later render its possessor the arbiter of peace or war between Mexico and the United States; and the undersigned was too well aware of the value of the friendship by which the two nations were mutually bound, not to shudder at the idea that all their relations were about to be placed in dependence upon the will or the errors of a single individual. Mr. Dickins explains, and, in his own conception, exculpates the United States with regard to this great concession of powers, on the ground that, at the distance at which the President was placed from the theatre of war, it would have been impossible for him to provide in any other way for the contingencies which might daily occur. But France was at a distance from the United States during the late difficulties between these countries, and very certainly the United States would not at that time have been satisfied if they had seen that an admiral of Martinique might, by a single act of his, have at his own pleasure broken up the negotiations pending between the two Governments. Would they not have said, and with good reason too, that affairs of such importance involved a higher responsibility than that of one man, whether admiral or general?

The undersigned must likewise notice the earnest desire which he has observed in the United States to occupy Nacogdoches at all events; and were it not for the assurances which have been repeatedly given him from this Department of State, that the said measure had no connexion whatever with the future determination of the limits, he confesses that he would not know certainly in what light to view this earnest desire. The undersigned bears in mind that this same Nacogdoches has already been declared to belong to the United States by the Secretary of War, in his letter to General Gaines, authorizing him to proceed thither; he also bears in mind that Mr. Forsyth, on receiving the protest of the undersigned, on account of this strange pretension, refused, agreeably to the President's orders, to enter into any explanation whatever on the subject. The undersigned has likewise observed that in the notes from this Department, as well as in the correspondence between the Secretary of War, General Gaines, and the Governors of some of the States, the utmost care appears to have been constantly taken not to apply to the Mexican territory, beyond the Sabine, any other appellation than the *contested territory*, or some equivalent term, as if the existing treaty had not put an end to the disputes which had occurred with regard to limits, while the old line of Louisiana ran between the rivers Mermento and Carcasieu, that is to say, thirty or forty miles on this side of the Sabine. Notwithstanding these circumstances, the undersigned repeats that these assurances respecting the nature of General Gaines's movement appear to render it unnecessary for him longer to dwell on these strange coincidences.

Such were the considerations which presented themselves to the undersigned, while he was writing his notes of the 28th of July and the 4th of August. He then, as now, and for the same reasons, viewed the invasion of the Mexican territory by the troops of the United States as an offence gratuitously committed against Mexico, inasmuch as there had been no provocation on the part of the latter, and there was no legitimate excuse on the part of the United States. He then demonstrated conclusively the enormous injury which Mexico would suffer from this invasion; and he then finally declared that if the President should refuse to listen to these just complaints, he would be under the sad necessity of withdrawing with his legation extraordinary. The undersigned, however, flattered himself that this would not occur, because he supposed that his reasons would be weighed in the balance of equity, and not in that of mere expediency.

Unfortunately it has been otherwise, and the note of Mr. Dickins has deprived the undersigned of all hope. The explanations there given, in the President's name, have convinced him that Mexico has but little to expect from the United States, seeing that its most sacred rights, as well as its dearest and most positive interests, are now being sacrificed to the shadow of a danger hitherto imaginary. Mexico is outraged and ruined, from motives of mere precaution.

In this sad state of things, the undersigned would fail in his duty, if he did not take the last measure which is left in his power, as the representative of Mexico, and show that he feels, to its fullest extent, the injury done to his country by the United States, by declaring, as he now declares, upon his sole responsibility, that, from this moment, he considers his mission at an end.

The undersigned therefore requests Mr. Dickins to send him his passports to Philadelphia, for which place he will set off to-morrow.

The undersigned also requests Mr. Dickins to have the kindness to present his respects to the President, and also his thanks for the personal attentions which have been shown to him during the period in which he had the honor to be accredited near that personage.

Finally, the undersigned repeats to Mr. Dickins, what he has already had the pleasure of saying to him verbally, that he will ever bear in mind the frank and noble manner in which Mr. Dickins has acted towards the undersigned, on occasions which were in truth by no means agreeable, and in affairs which, from their nature, were much less so.

The undersigned, envoy extraordinary and minister plenipotentiary of the Mexican republic, embraces this opportunity to renew to the honorable Asbury Dickins, acting Secretary of State of the United States, the assurances of his most distinguished consideration.

MANUEL E. DE GOROSTIZA.

Hon. ASBURY DICKINS,
*Secretary of State of the U. S.*

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*Mr. Dickins to Mr. Gorostiza.*

DEPARTMENT OF STATE,
*Washington, October* 20, 1836.

The undersigned, acting Secretary of State of the United States, having laid before the President the note of Mr. Gorostiza, envoy extraordinary and minister plenipotentiary of the Mexican republic, dated the 15th instant, has been directed to transmit the passports requested by Mr. Gorostiza, and they are accordingly enclosed.

The President regrets that a mistaken view of the measures which he deemed it his duty to adopt for the defence of the frontier, should have led Mr. Gorostiza to terminate his mission. The President still trusts, however, that they will be more justly estimated by the Mexican Government; and that no proper effort on his part shall be wanting to prevent misunderstanding on the subject. Mr. Ellis will be instructed to offer such explanations at Mexico as may be found necessary.

The undersigned avails himself of the occasion to renew to Mr. Gorostiza the assurances of his most distinguished consideration.

ASBURY DICKINS.

His Excellency
Senor Don MANUEL EDUARDO DE GOROSTIZA, &c.

## OUR RELATIONS WITH MEXICO.

*Message from the President of the United States, on the subject of the present state of our relations with Mexico. House of Representatives, February 7, 1837. Referred to the Committee on Foreign Relations, and ordered to be printed.*

*To the Senate of the United States:*

At the beginning of this session Congress was informed that our claims upon Mexico had not been adjusted, but that, notwithstanding the irritating effect upon her councils of the movements in Texas, I hoped, by great forbearance, to avoid the necessity of again bringing the subject of them to your notice. That hope has been disappointed. Having in vain urged upon that Government the justice of those claims, and my indispensable obligation to insist that there should be "no further delay in the acknowledgment, if not in the redress, of the injuries complained of," my duty requires that the whole subject should be presented, as it now is, for the action of Congress, whose exclusive right it is to decide on the further measures of redress to be employed. The length of time since some of the injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, upon the officers and flag of the United States, independent of recent insults to this Government and people by the late extraordinary Mexican minister, would justify, in the eyes of all nations, immediate war. That remedy, however, should not be used by just and generous nations, confiding in their strength, for injuries committed, if it can be honorably avoided; and it has occurred to me that, considering the present embarrassed condition of that country, we should act with both wisdom and moderation, by giving to Mexico one more opportunity to atone for the past before we take redress into our own hands. To avoid all misconception on the part of Mexico, as well as to protect our own national character from reproach, this opportunity should be given, with the avowed design and full preparation to take immediate satisfaction, if it should not be obtained on a repetition of the demand for it. To this end I recommend that an act be passed authorizing reprisals, and the use of the naval force of the United States by the Executive against Mexico, to enforce them, in the event of a refusal by the Mexican Government to come to an amicable adjustment of the matters in controversy between us, upon another demand thereof, made from on board one of our vessels of war on the coast of Mexico.

The documents herewith transmitted, with those accompanying my message in answer to a call of the House of Representatives of the 17th ultimo, will enable Congress to judge of the propriety of the course heretofore pursued, and to decide upon the necessity of that now recommended.

If these views should fail to meet the concurrence of Congress, and that body be able to find, in the condition of the affairs between the two countries, as disclosed by the accompanying documents, with those referred to, any well-grounded reasons to hope that an adjustment of the controversy between them can be effected without a resort to the measures I have felt it my duty to recommend, they may be assured of my co-operation in any other course that shall be deemed honorable and proper.

ANDREW JACKSON.

WASHINGTON, *February* 6, 1837.

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DEPARTMENT OF STATE,
*Washington, February* 6, 1837.

The Secretary of State has the honor to lay before the President copies of papers upon the subject of the relations between the United States and the Mexican republic, which have been received since the report from this Department made under the reference of the resolution of the House of Representatives of the 17th ultimo, together with a list of unsatisfied claims.

Respectfully submitted. JOHN FORSYTH.

To the PRESIDENT *of the United States.*

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*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE UNITED STATES OF AMERICA,
*Mexico, December* 6, 1836.

SIR: I avail myself of the earliest opportunity to transmit to you copies of all the documents in relation to the seizure and imprisoment at Vera Cruz of eight seamen attached to the United States sloop of war Natchez, William Mervine, Esq., commander.

I have the honor to be, with great respect, your very obedient servant, POWHATAN ELLIS.

Hon. JOHN FORSYTH,
*Secretary of State, Washington city.*

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*Mr. Burrough to Mr. Ellis.*

CONSULATE UNITED STATES OF AMERICA,
*Vera Cruz, November* 3, 1836.

SIR: It devolves on me to announce to you the occurrence of an unpleasant affair between the United States ship Natchez and the authorities at this place.

At an early hour yesterday morning a boat from the United States ship Natchez, with eight men, under the charge of Midshipman Renshaw, arrived at the "muelle," bearing a letter from the commander to my address. In order to convey the letter to me, Mr. Renshaw left the boat for a few minutes, and in his absence the men found means to procure liquor, and soon became more or less inebriated, and a dispute in consequence arose between one of them and a fisherman, (as informed,) which resulted in a personal conflict, but which of the *two* was the offender I have not been able to learn. The guards stationed at the gate, perceiving what had taken place, rushed down and attacked the seamen, and at the point of the bayonet drove a part of them into the boat, leaving two upon the ground, who had received severe wounds in the contest.

The officer of the boat arrived soon after the combat commenced, and did all in his power to quell it; and in which he came nigh being struck with the bayonets of the soldiery; but even after the men were driven into their boats, muskets (it is said) were levelled at them, when the captain of the port, perceiving the intention of the soldiery to fire, ordered them to desist.

I was sent for, and found upon the "muelle," two seamen, weltering in blood, both badly wounded, and the other six in the boat, all more or less injured..

Mr. Renshaw, now addressing himself to me, remarked that the men were too much overcome with liquor to enable him to proceed to the ship, the wind being high, and desired my advice as to the disposition of them. I replied that I thought he had better have them placed in the guard-house, where they could have medical advice, and remain till sober; and accordingly, at his instance, I requested the captain of the port to take charge of them, which he did, ordering the two that were most injured to the hospital.

On making a verbal demand for the men this day, the officers of Government refused to give them up. I consequently waited on the military commandant general, who urged that "the seamen had infringed the laws of the country, by an assault on the soldiery, (although, as I believe, did but act in self-defence,) and must abide the penalty;" and would not consent that they should be liberated. I proceeded to the ship Natchez, and made known to the commander the facts which are now laid before you, and who will to-morrow make a formal demand of the seamen, at the same time assuring the authorities that if, on investigation, it should be found that they were the aggressors, exemplary punishment shall be inflicted, and if in case the authorities still persist in detaining them, he will proceed with all despatch to Pensacola, when the case will be submitted to Commodore Dallas.

I beg leave to observe that Rodriguez, the captain of the port, has taken a very proper and correct view of the subject, and, considering it but the evil effects of liquor, did not think it necessary to arrest the crew of the boat on the occasion, nor were any objections made at the time to their embarking. The commandant general seems disposed to carry things to extremities, and has intimated that the men are liable to a sentence of "procedure," and which, it is feared, without timely intervention, may be the penalty inflicted.

I am of opinion that the men are not so much to blame as the authorities would wish to make it appear in the case.

I have the honor to be, sir, very respectfully, your obedient servant. M. BURROUGH.

Hon. POWHATAN ELLIS,
*Chargé d'Affaires U. S. of America, Mexico.*

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*Mr. Burrough to Mr. Ellis.*

CONSULATE OF THE UNITED STATES OF AMERICA,
*Vera Cruz, November* 5, 1836.

SIR: The seamen belonging to the United States sloop of war Natchez, imprisoned by the authorities of the Mexican Government on the 2d instant, are still in a state of incarceration.

Enclosed I transmit copies of correspondence on the subject with the authorities of this city. The letter of Captain Mervine being at some length, I am unable to forward it by present conveyance. You shall have a copy of it at an early date.

At the hour of eight o'clock this evening, I have received a letter from the military commandant general of the department of Vera Cruz, accompanying other letters to the address of Captain Mervine, acknowledging the receipt of our respective communications, and which he informs us shall receive early replies. In the mean time, I have reason to suspect that he expects advices from the capital, with which he has communicated in regard to the seamen in question.

On further investigation of the occurrence, I am the more satisfied that the American seamen were but little in error. I am engaged in taking the depositions of witnesses on the subject, copies of which shall be forwarded to the legation; and from all that I can learn, the seamen were not the assailants, but were barbarously attacked by the Mexican soldiery, and the fishermen of the country, and inhumanly treated by an overwhelming force, armed with loaded muskets and fixed bayonets; and I again repeat, that the generous, humane, and officer-like conduct of Mr. Rodriguez, the captain of the port, was their salvation. The arms were directed at the inebriated crew after they had reached their boat, and on whom they, the soldiery, doubtless would have fired, had the captain of the port's timely interference not prevented it at this crisis. In short, I wish it may be understood, as I trust it will be hereafter proven, that the soldiery of this Government were the offenders, and not the American seamen; the latter were attacked by the former, and who only, as it would appear, acted in self-defence. The poor fellows were put in stocks, and there kept for two days, since which they have been removed to another part of the town, and probably are at this time in heavy irons. I shall endeavor to ascertain to-morrow whether they are supplied with sufficient sustenance; but doubt if I shall be permitted to see them.

The proceedings of the military commandant general in this case are, as I am informed, condemned by both the civil and maritime authorities of Vera Cruz. I hope that you will be pleased to take such measures as are necessary for the release of our countrymen, all of whom are fine-looking able-bodied seamen, and whose lamentable situation at this time calls forth the sympathy of all foreigners at this place. Commandant General Vasquez is resolved (as it is stated) to detain the men, and try them by the laws of this country.

I am, sir, most respectfully, your obedient servant,

M. BURROUGH.

Hon. POWHATAN ELLIS,
*Chargé d'affaires U. S. of America, Mexico.*

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*Captain Mervine to the Commandant Vera Cruz.*

U. S. SHIP NATCHEZ, (off island Sacrificios,)
*November* 2, 1836.

SIR: It has just been reported to me that an affray of a very unpleasant nature has this day occurred on the quay, at Vera Cruz, between a party of Mexican soldiers and the crew of the boat belonging to the ship under my command, during a momentary absence of the officer in charge of said boat. I have therefore to express to your excellency my sincere regret at the occurrence, and to assure you that, if, upon inquiry, the provocation shall appear to have originated from the crew, the offenders shall receive merited punishment.

Very respectfully, I have the honor to be your excellency's obedient servant,

WM. MERVINE,
*Com'g U. S. sloop of war Natchez.*

To JOSE ALDANA, *Military Commandant*
*General of Marine Department of Vera Cruz.*

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*Mr. Burrough to the Captain of the Port of Vera Cruz.*

CONSULATE OF THE U. S. A. AT VERA CRUZ
*November* 3, 1836.

SIR: I request that the boat's crew of the United States ship Natchez, consisting of eight men, and which, at the instance of the officer in command, was, on account of inebriety, yesterday placed under your charge, may now be liberated.

I have the honor to be, sir, very respectfully, your obedient servant,

M. BURROUGH.

To the CAPTAIN *of the port of Vera Cruz.*

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*The Captain of the Port of Vera Cruz to Mr. Burrough.*

[Translation.]

CAPTAINCY OF THE PORT OF VERA CRUZ.

It not being within my attributes to dispose of the American seamen who were arrested by the principal guard, by reason of their having been transferred to the military commandant of this place, you should address your solicitation to the said commandant.

This I have the honor to say in reply to your polite official note of this date.

God and liberty. Vera Cruz, November 4, 1836.

MANUEL RODRIGUEZ.

The CONSUL *of the United States of North America.*

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*Mr. Burrough to Mr. Ellis.*

CONSULATE OF THE UNITED STATES OF AMERICA,
*Vera Cruz, November* 7, 1836, *at* 9½ *P. M*

SIR: You will receive herewith copies of correspondence, &c., in relation to the seamen of the United States ship Natchez, who still remain in prison.

No official reply has yet been received by the commander of the Natchez or myself from General Vasquez, to our respective communications of the 3d and 4th instant, demanding the liberation of said seamen.

I was called upon by the major of the plaza this evening, who desired that I would present myself before the fiscal, and give my declaration on the subject. I informed him that if he would address me an official note to that effect, I would reply to it, and declined complying with his verbal request, on the ground that I could not admit the authority of the Mexican Government to try the seamen in custody by their laws, inasmuch as they were individuals engaged in the public service of the United States, and amenable to the laws of our country, if guilty of offence. Under this feeling of a sense of propriety, I am unwilling to *lend* myself to the services of the Mexican Government in any manner that might bear with it an admission of the privilege of the military at this place to punish men in the service of our country—at the same time having observed that I had stated to General Vasquez, in a letter covering a communication of the commander of the Natchez, my views of the subject.

It is possible that my person may be outraged by the authorities for not complying with their wishes, and *very possible* that the next mail may convey to you intelligence of my incarceration with the American seamen, for not acceding to the demand made by the officer of the plaza of this city.

You will be pleased to advise me what course it is proper to pursue in this case, and whether I am obliged, by the laws of Mexico, or my own Government, to give a declaration under the circumstances detailed, without having received any reply from the commandant general, who, it appears to me, has no right to detain the seamen in question belonging to the United States navy.

Captain Mervine will sail on the 9th, as he informs me, whether the seamen are delivered up or still detained by the authorities.

No reply to my letters accompanying, requesting permit to visit the seamen, has yet been granted; and whether the poor fellows are living or dead I am unable to ascertain.

I intended to have sent by present conveyance the depositions of three persons respecting the affray upon the mole, but find myself too much fatigued and indisposed to give you copies; you shall have them by next mail. Suffice to say, that these all go to prove that the *Mexican soldiery* were the aggressors, and not the American seamen.

I remain, truly and most respectfully, your obedient servant,

M. BURROUGH.

The Hon. POWHATAN ELLIS,
*Chargé d'affaires U. S. of America, Mexico.*

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*Captain Mervine to Mr. Burrough.*

U. S. SLOOP OF WAR NATCHEZ,
(off island Sacrificios,)
*Near Vera Cruz, November* 5, 1836.

SIR: I have the honor to forward you, herewith, a copy of a communication I made to the commandant general of the marine department of Vera Cruz, relative to the late affray between a party of Mexican soldiers and citizens, and seamen belonging to this ship; also, a copy of another, with the same reference, to the commandant general of the military department; also the duplicate of a statement of the circumstances of the affray as witnessed by the officer in charge of said seamen: all of which you will make such use of as circumstances may in your judgment require.

I likewise transmit you the names and grade of the men concerned in the affair, and who are now in confinement by the Government authorities at Vera Cruz, viz:

Henry Habest, Samuel Moulden, Samuel Long, Thomas

Davis, Richard Freeman, James Hoover, Nathaniel Groves, John Williams—all seamen.

Very respectfully, your obedient servant,

WM. MERVINE,

*Commanding U. S. sloop of war Natchez.*

To M. Burrough, Esq.,

*U. S. Consul at Vera Cruz, Mexico.*

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*Captain Mervine to the Commandant of Vera Cruz.*

U. S. sloop of war Natchez,

(off island Sacrificios,)

*Near Vera Cruz, November, 3, 1836.*

Sir: Immediately upon receiving intelligence of the affray which yesterday occurred on the quay at Vera Cruz, between a party of Mexican soldiers and citizens on the one side, and the crew of a boat belonging to this ship on the other, I addressed a communication to one of the departments of the police of the city, expressive of my profound regret at the unfortunate occurrence, and assuring him that if, on inquiry, the provocation should appear to have originated from the American seamen, the offenders should receive condign punishment. Not being acquainted with the limits of jurisdiction prescribed to the different departments of the said police, I addressed myself to the commandant general of the marine, who, I have subsequently learned, has not legal cognizance of the affair; and I have had the mortification to see the communication, for this simple fact, returned unnoticed.

Having been advised that your excellency is the proper functionary to be addressed on this occasion, I now repeat my sincere regret at an incident of so unpleasant a nature, and my assurance that I am prepared to take the necessary measures to ensure a punishment proportionate to the degree of culpability, if any shall be found attaching to the seamen.

The United States consul informs me that the said note was submitted to your perusal, but that you refused to take official notice of it because it was addressed to another officer, and that you assured him it was determined to detain the seamen for trial for violating the laws of Mexico, and further efforts for their release, on his or my part, would be ineffectual; nothwithstanding which, I have deemed it imperative on me to officially address your excellency on the subject, in order that I might leave no proper means unemployed for preserving the harmony of the two Governments, which I believe would be endangered if the course you contemplate were presisted in. I could not have anticipated that the affair, though extremely unpleasant in itself, would be magnified into the importance which it appears to have acquired; nor could I have deemed it material to which of the departments my letter might be directed, as the attending circumstances were regarded as of a nature to dispose the reflecting on both sides to accept the slightest apologies, and to forget the disgraceful proceeding in renewed assurances of good feeling and a cordial good understanding. It was not supposed to have arisen from national prejudice, but from the impulse of passion in the parties concerned. It occurred during the momentary absence of the officer of the boat; the seamen at least were somewhat excited by a too free indulgence in ardent spirits, and were, therefore, the more deserving of forbearance from those not predisposed to quarrel. The immediate occasion of it was some abusive epithets interchanged between one of the seamen and a citizen, which resulted in a rencontre between them, inducing others to engage in the mutual assistance of their friends.

These, as it has been represented to me, and as I sincerely believe will appear upon an impartial investigation, are substantially the facts involving the culpability of the seamen. Judge, then, of my surprise, not to say indignation, on learning, by the return of the boat sent to bring off the seamen, that they had been put not only in duresse, but in stocks, and are to be arraigned before a foreign tribunal, not simply for a misdemeanor, but as felons, and that your excellency intimated the probable result would be conviction and sentence to the "ball and chain," and six years' employment in sweeping the streets of Vera Cruz. I appeal to your sense of justice, what is there in the circumstances detailed above to justify their close and humiliating confinement, and much less the extreme severity contemplated against them?

But there are some other features of the case which should induce the authorities at Vera Cruz to avoid a course of procedure calculated to give extensive publicity to or perpetuate the memory of the affair.

Let it be recollected that these men were only eight in number; one or two of them remained inactive; all were entirely unarmed with any thing like offensive weapons, having but two boat-hooks among them; that, opposed to them, were twice or three times their number, variously armed—some with cutlasses, others with muskets with fixed bayonets, and others still with fragments of stone, which were liberally plied; that these dangerous weapons were freely used, as the number and severity of the wounds given by them will testify. No officer of the guard interposed to prevent violence, and an officer did supply the soldiers with ball-cartridges, with which the muskets were actually charged; and thus charged, were deliberately levelled at their opponents, now inoffensive—some lying on the ground, stupified by wounds; the rest, a part maimed, driven by overwhelming numbers and deadly arms into the boat, and even in this predicament must have been massacred but for the humane and energetic interposition of the captain of the port, who arrived at the critical moment when the muskets were on the point of being discharged: and then, in view of these facts, and the part enacted by the seamen, (as already described,) decide whether this be not an occasion for mutual sorrow, reciprocal charity, and forgetfulness.

This was my impression from the first, and the letter, above referred to, was adapted accordingly; and it is with great pain that I find myself unavoidably drawn into these details. I therefore feel myself constrained to solemnly protest against the detention of these men—as not to be justified by the circumstances of the case; as an act of ill-faith, inasmuch as they are not in custody from a formal arrest; for they were delivered to the police by the officer of the boat and the United States consul, for the prevention of further outrages on either side, and for safe-keeping till they could be returned to the ship—themselves being too m[illegible]d to manage the boat in the rough state of the [illegible] of comity toward a nation allied to the Mex[illegible]ent by a treaty of friendship and cordial inter[illegible] protest against their being tried by the laws [illegible] not being amenable to them; for they are a [illegible] United States naval force, which Government is responsible for their conduct. Have they violated the laws of Mexico, or outraged the property or persons of her citizens, prompt satisfaction will be given upon suitable re[illegible]ntation, and adequate punishment will be visited [illegible]e offenders.

[illegible]e have seen that it is a case requiring a very differ[illegible] course of procedure on your part: the offence is mutual, trivial, (but disagreeable,) and should, therefore, be mutually regretted and forgotten.

In conclusion, I demand their immediate liberation. Do not, sir, by refusal, accumulate another upon the already too numerous causes of dissatisfaction between the two Governments.

Very respectfully, I have the honor to be, &c.,

WILLIAM MERVINE,

*Com'g U. S. Sloop of War Natchez.*

To his Exc'y the Military Commandant General,

*of the Department of Vera Cruz, Mexico.*

*Midshipman Renshaw to Captain Mervine.*

U. S. sloop of war Natchez,
(off island of Sacrificios,)
*November* 5, 1836.

Sir: In compliance with your order requiring an account of the following facts, I have to inform you that, about 9 o'clock, A. M., of the 2d inst., I received orders to proceed to Vera Cruz, in charge of the third cutter, having on board eight men and two officers, (stewards,) to execute certain commissions with which I had been charged. The officer in the fourth cutter, in whose care I had been directed to deliver the men, had already left the mole some time, and I, therefore, considered it my duty, notwithstanding, to perform the other part of my orders, and proceed to the consul's, after having placed the men in charge of the coxswain, whose authority they were bound to obey.

During my temporary absence the men obtained liquor, and I hastened back with all despatch, hearing that a rencontre had taken place between them and the people on the quay. On my arrival, I discovered a serious affray between our sailors and the military guard, who I observed were being supplied with cartridges by a person apparently an officer. Several of the boat's crew were seriously injured, one supposed to be dead. My utmost exertions, assisted by the consul and other of our officers, who in the mean time had arrived on the spot, were not immediately effectual in reducing the men to authority, or in satisfying the soldiery, who were committing much uncalled for violence; in fact, they appeared instigated by private feelings of revenge more than a sense of duty. The situation of the crew being such as to render it very dangerous to leave the mole in the boat, (a very heavy sea running at the time,) I therefore requested the captain of the port, agreeably to the advice of the consul, to have the men taken care of until called for, and they were accordingly placed in *temporary confinement for safe-keeping*.

I deem it proper to add that, during the disturbance, the scabbard of my sword was accidentally lost overboard, and not wishing to carry it about me drawn, one was loaned me by one of our officers, and mine handed to the consul, to prevent any misconstruction. This occasioned an erroneous report to be circulated that our consul carried about a drawn sword for purposes of violence—a report which respectable Americans and foreigners, and the captain of the port, who was present, and acted in a manner highly creditable throughout, can and will no doubt altogether contradict.

Very respectfully, your obedient servant,
FRANCIS B. RENSHAW,
*Passed Midshipman, U. S. Navy.*

To Master Comdt. Wm. Mervine.

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*Mr. Burrough to the Commandant of Vera Cruz.*

Consulate of the U. S. of America,
*Vera Cruz, November* 4, 1836.

Sir: I have the honor to lay before you an open letter to your address, which the commander of the United States ship Natchez has desired may be transmitted through this consulate.

It will be perceived that the commander of the above ship demands the liberation of eight men, constituting a boat's crew belonging to his vessel, who have been imprisoned and are still detained in this city, and begs to assure you that, on an investigation of the charges preferred, should they appear to have been the aggressors in the case, exemplary punishment shall be inflicted.

The said commander protests against the detention of the seamen, against their trial by the military or judiciary authorities of the Mexican Government, and in which I, in my official capacity, also unite with him, and request that the said seamen may be forthwith set at liberty, agreeably to the requisition of the aforesaid commander.

I have the honor to be, sir, &c.,
M. BURROUGH.

To Ciriaco Vasquez, Esq., *Military Commandant General of the Department of Vera Cruz.*

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*Mr. Burrough to the Commandant of Vera Cruz.*

Consulate of the U. S. of America,
*Vera Cruz, November* 6, 1836.

Sir: Being desirous of an interview with my countrymen, the eight seamen belonging to the United States ship Natchez, detained in this city, I request you will be pleased to inform me where they are to be found, and grant the necessary order for me to see them.

I have the honor to be, sir, &c.,
M. BURROUGH.

To Ciriaco Vasquez, *Military Commandant General of the Department of Vera Cruz.*

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*Mr. Burrough to the Commandant of Vera Cruz.*

Consulate of the U. S. of America,
*Vera Cruz, November* 7, 1836, *at* 5 *P. M.*

Sir: I yesterday had the honor to address you a note, by which, as consul of the United States, and guardian of the rights and liberties of my countrymen, I expressed a desire to be informed where the eight men, belonging to the United States ship Natchez, at this time detained by the authorities of the Mexican Government, were to be found, and requested that you would be pleased to grant the necessary order for me to see them.

To my communication referred to, no reply has yet been received. I therefore repeat my request, and beg that you will inform me where my countrymen are at this time imprisoned, and desire that you will grant the necessary permit to enable me to visit them, and, if circumstances render it necessary, to administer to their comfort.

I have the honor to be, sir, &c.,
M. BURROUGH.

To Ciriaco Vasquez, *Military Commandant General of the Department of Vera Cruz.*

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*Mr. Burrough to Mr. Ellis.*

Consulate of the U. S. of America,
*Vera Cruz, November* 10, 1836.

Sir: Accompanying, I have the honor to transmit the depositions referred to in my last; also, additional correspondence on the subject-matter of my late communications to the legation, among which you may perhaps discover one or more duplicates of letters already forwarded.

The American seamen are still in custody of the authorities of this city, and whom I have not yet been permitted to visit, although I have made three applications to the military commandant to that effect, as you will perceive by copies of letters now forwarded, and whether the poor fellows are really dead or alive, I am unable to ascertain.

I am informed that an American citizen, who has been engaged in the service of the Mexican Government, (probably impressed into the service,) actuated by feelings of humanity towards his countrymen, went to the guard-house, some days since, in order to gain an interview with the said American seamen, who was ordered away, and, not leaving the spot at once, was shot down by the sentry. Under such circumstances, I am unwilling to hazard a visit to the prison, without "permit" in writing from the military commandant general, or under the protection of an officer.

The seamen not being delivered up, as Captain Mer-

vine hoped would have been the case, after a detention of eight days, he accordingly left this morning at an early hour. He will touch at Tampico, and proceed thence immediately to Pensacola, where all the facts attendant on the imprisonment of his seamen will be laid before Commodore Dallas.

When the said men are given up, if at all, I shall take their declarations as to the facts connected with their detention, prison treatment, &c., and place them in lodgings more agreeable to them than those they are at present subjected to, and deliver them over to the first commander of any of our vessels of war visiting at Vera Cruz.

General Castro assumed the command at this place last evening, in place of General Vasquez, but not without some feeling of dissatisfaction manifested (as informed) on the part of the late incumbent; no blood, however, was shed on the occasion. It may, as I apprehend, it *will* be said by the Mexican Government, that General Vasquez has been superseded from grievances represented by yourself to the authorities, which I have no reason to believe is the fact. The military, and some of the leading civilians, made a representation of the state of affairs at this place, some days before the late occurrence, in regard to our claims, to the supreme Government; and, in consequence of *that*, he has been removed.

The present commandant of this plaza, you will bear in mind, is the individual who was in command at Tampico, when *twenty-nine* foreigners were shot some months since, and the same who was at *your* instance removed for aggressions on officers of the United States navy at that port.

I shall endeavor to keep you advised, if my functions of office are not interrupted by the authorities of this place, of all that transpires in respect to the American seamen, and other matters of national interest; and, in the mean time, hope to be favored with the necessary instructions from you, in regard to said seamen.

I have the honor to be, &c.,

M. BURROUGH.

The Hon. POWHATAN ELLIS,
*Chargé d'Affaires U. S. A., Mexico.*

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*Deposition of John Morrow.*

CONSULATE OF THE U. STATES OF AMERICA,
*At Vera Cruz, Mexico.*

This fourth day of November, in the year of our Lord one thousand eight hundred and thirty-six, before me, M. Burrough, consul of the United States of America at Vera Cruz, being cited, John Morrow, a native of Liverpool, aged fifteen, personally appeared, who, being duly and solemnly sworn on the Holy Evangels of Almighty God, did depose, declare, and say, that, on the morning of the 2d instant, he happened to be on the beach near the "muelle" of this city, when his attention was called to a personal conflict which had taken place between a black man, (a fisherman,) and a sailor from the boat of the United States ship Natchez, and, whilst looking on, saw a soldier, with a broadsword in his hand, come up to the combatants and strike the American seaman with his sword. The sailor retreated towards the boat, which was lying alongside the mole, followed by the soldier, and who was constantly striking him till he reached the edge of the water. Another sailor of the boat was standing near, to whom the people of the country called the notice of the soldier, and whom he also struck several times with the broad part of his sword. The first-mentioned sailor having gained his boat, returned with the boat-hook and faced the soldier with it, who, he believes, had a musket in his hand. Two other soldiers now came down with muskets. Deponent, apprehending his own personal security, left the mole.

In testimony whereof, the said deponent hath set his hand the day and year first above written.

JOHN MORROW.

Done and subscribed before me,

M. BURROUGH, *C. U. S.*

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*Deposition of Deidrick Erdmann.*

CONSULATE OF THE U. STATES OF AMERICA,
*At Vera Cruz.*

This fifth day of November, in the year of our Lord one thousand eight hundred and thirty-six, personally appeared Deidrick Erdmann, a native of Germany, aged 31 years, a resident of the city of Tampico, who being duly and solemnly sworn on the Holy Evangels of Almighty God, did depose, declare, and say, as follows: At about 12 o'clock on the morning of the 2d instant, proceeded to the "muelle" of this place, where he saw three or four seamen (supposed to be American seamen belonging to the United States ship Natchez) standing on the north side of the muelle or mole, all apparently more or less under the influence of liquor, and near to them upon the beach were as many as seven or eight native Mexicans, (fishermen.) The parties were wrangling with each other. Deponent, apprehending the consequences, being aware of the excitement and feeling at this time against the American people, (citizens of the United States,) left the mole in search of the officer of the boat, who had proceeded to the office of the American consul on business, as he was informed. On passing through the gate at the mole, and when near the corner of the street leading to the plaza, met three sailors and two stewards, belonging also to the United States ship Natchez, to whom he communicated what was going on with their shipmates; and not meeting at once with the officer of the boat, returned to the mole, and perceived a soldier using his exertions to get one of the seamen back to the boat, and which was lying on the south side of the mole some yards distant. The soldier was pushing the seaman towards the mole, the latter moving backwards. At this time a sailor that was standing in the boat held up the boat-hook and called to the other "to take it." The latter now turned, and moving rapidly to the boat, took the boat-hook in order to defend himself. The soldier now cried out to arms, (*a las armas,*) when he and three or four other soldiers of the guard ran to the guard-house and returned with their muskets. The seamen were now assembled near their boat, who, perceiving the approach of the soldiery with muskets in hand and fixed bayonets, advanced towards them, and when within a few feet of each other, and near the centre of the mole, saw a native pick up a stone or fragment of rock, of the weight of 8 or 10 pounds, which was thrown at the American sailor having the boat-hook in his hand. At the same moment that the stone was thrown, the sailor cast his boat-hook towards one of the soldiers who had his musket pointed at him. The hook was parried by the soldier and struck none of the assailants, the seaman was knocked down and badly cut face with the stone, and who was for sometime deponent to be dead, blood having flowed the course of the affray, another seaman was and brought to the ground, but in what manner dep[illegible]t did not see. Saw him lying near the edge of the mole apparently much hurt.

The soldiery continuing to use forcible measures against the American seamen, with the intention of driving them into their boat, deponent left the mole, in order to convey the intelligence of what was going on to the American consul, and which he did. On returning to the scene of bloodshed, accompanied by the American consul, saw the two seamen who had been, as before mentioned, badly wounded, still lying in the same position. The rest of the

boat's crew were in the boat, under the charge of the officer, and around which stood several soldiers with arms, apparently much excited, besides a numerous assemblage of persons, comprising civilians and others of the country, among whom were also observed some foreigners. Further deponent knoweth nothing material in relation to this subject.

In testimony whereof he hath hereunto set his hand at the city of Vera Cruz, the day and year first above written. DEIDRICK ERDMANN.

Sworn and subscribed before me,
M. BURROUGH, *C. U. S.*

*Deposition of William Gibbs.*

CONSULATE OF THE UNITED STATES OF AMERICA,
*At Vera Cruz, Mexico.*

This sixth day of November, one thousand eight hundred and thirty six, before me, M. Burrough, consul of the United States of America at Vera Cruz, being cited, William Gibbs, a native of the United States, aged 38 years, serving in the capacity of captain's steward on board the United States ship Natchez, under the command of Wm. Mervine, Esq., who, being duly and solemnly sworn, did depose, declare, and say, that, on the morning of the 2d instant, he left the ship to which he is attached in her third cutter, manned with eight men, under the charge of Midshipman Renshaw, and proceeded to the mole at this city. On arriving, left immediately for the market, in order to purchase certain articles for ship's use; returned in a short time to the boat, at which period all was quiet. Again departed on duty, and, in a few minutes, was again on the mole; and who on arrival saw a Mexican soldier with a cutlass in his hand, standing near the gate opening upon the mole, engaged in a quarrel with Nathaniel Groves, one of the seamen of the boat's crew of the United States ship Natchez aforesaid. The soldier stood with his cutlass raised over the head of the said seaman, menacing him. The mariner being overcome with liquor, deponent stepped in between the parties, with the view of preventing any personal violence, and led the seaman away, imploring, at the same time, by pacific gestures, (being unable to speak the language,) "not to strike the poor fellow," who stated that the soldier had twice struck him with his cutlass. Perceiving that the Mexican soldiery were collecting in considerable numbers, and resolved, apparently, to beat and abuse the boat's crew, if not carry things to greater extremities, he succeeded in getting seven of them into the boat.

Deponent now sat out in search of the officer of the boat, and to whom he communicated and made known what had taken place, and who immediately hastened to the mole. Deponent also again returned, and by which time as many as ten or twelve Mexican soldiers, with muskets and fixed bayonets, and cutlasses, had assembled; and likewise twenty or thirty people of the country, (fishermen and laborers,) who were engaged in throwing stones and other missiles at the boat's crew, who had now regained the mole, to the rescue of their shipmate Groves.

The Mexican soldiery both bayoneted and struck the American seamen repeatedly with their cutlasses, and so continued to inflict their blows till all were driven into their boats except two, who had been brought to the ground in the conflict, and who were so badly wounded as not to be able to reach the boat.

Deponent doth furthermore declare, and say, that he saw an officer of the Mexican Government bring down cartridges to the soldiers, with which they loaded their muskets, and levelled them at the boat's crew, now in the boat, under charge of Mr. Renshaw, but who were prevented from firing by a person who he was informed was the captain of the port.

The officer in command of the seamen, finding that they were too much in liquor, besides being badly hurt, to enable him to proceed to the ship, the wind being high, ordered deponent to assist in conveying them to the guard-house, near the mole, which he did, and where he understood they were to be left, in charge of the captain of the port, till sober.

In testimony whereof, he, the said deponent, hath hereunto set his hand, the day and year of our Lord first above written.

WILLIAM GIBBS, his × mark.

Sworn and subscribed before me,
M. BURROUGH,
*Consul of the United States.*

*Deposition of David Alexander Baird.*

CONSULATE OF THE UNITED STATES OF AMERICA,
*At Vera Cruz, Mexico.*

This eighth day of November, in the year of our Lord one thousand eight hundred and thirty-six, before me, M. Burrough, consul of the United States of America at Vera Cruz, being cited, David Alexander Baird, a native of England, aged thirty years, of late a resident of Mexico, who, being duly and solemnly sworn on the Holy Evangels of Almighty God, did depose, declare, and say as follows: that he, at present, is lodging in the house of Fulton and Bell, proprietors of a hotel in this place, at which he was on the morning of the 2d instant, between the hours of eleven and twelve o'clock, informed that some difference had taken place betwixt a party of Mexican soldiers and the boat's crew of the United States ship Natchez, and that the Mexican soldiery were murdering the American seamen at the mole.

Deponent, in company with Midshipman Skipwith, belonging to the United States ship Natchez, immediately hastened to the scene of action; and, on arriving, saw two American seamen lying upon the mole, one of whom he supposed to be dead—both lying covered with blood. Six other seamen belonging to the United States ship Natchez were in the boat alongside of the mole, and upon the mole immediately overlooking the said boat were as many as ten or twelve Mexican soldiers engaged at this time in loading their muskets with ball-cartridges, and whose intention, deponent verily believes, was to fire upon the American seamen, and at whom the deadly weapons were actually twice levelled—the men being unarmed, and all, with the exception of one, (who was protecting the boat from injury against the mole,) were lying or sitting down perfectly quiet, being stupified by wounds and the effects of ardent spirits.

Deponent, at the request of the officer of the boat, went in search of the master of the American ship Mexican, on board of which it was proposed to place the boat's crew of the Natchez until sober. In a few moments deponent was again upon the mole, having returned in company with Captain Kimball, of the aforesaid ship Mexican, and now discovered that the two seamen, one of whom was supposed to be dead and had been lying upon the ground for some time, had received serious wounds; one having his upper lip and cheek laid open to the extent of two and a half to three inches, and the other badly hurt in the leg, upon or near the knee joint of the left limb. Deponent observing an altercation between [a soldier and] one of these individuals, who had now attained his feet, though much weakened and overcome by the loss of blood, went to him, the said seaman, in order to convey and assist him to the boat, when his interference was resented by the soldier, who, using a familiar and abusive epithet, made a pass at him with his musket, with bayonet attached. Deponent, conceiving that his own personal life was in danger by being upon the mole, accordingly left it.

In testimony whereof he hath hereunto set his hand, at the city of Vera Cruz, aforesaid, the day and year first above written. DAVID ALEXANDER BAIRD.

Sworn and subscribed before me, M. BURROUGH.

*The Commandant of Vera Cruz to Mr. Burrough*

[Translation.]

VERA CRUZ, *November* 7, 1836:

(*Ten o'clock at night.*)

DEAR SIR: As I informed you at six o'clock this evening, when I had the honor to reply to your esteemed letter of yesterday, I now repeat, in answer to that received this day, that, it not being in my power to grant the request contained in those two letters, as General Gomez, the commandant of the place, is the functionary empowered to give the necessary orders respecting them, you will be pleased to prefer your requests to him.

I repeat to you, Mr. Consul, the assurances of my sincere friendship, with which I remain your attentive and obedient servant. CIRIACO VASQUEZ.

*The Consul of the U. S. A.*, Mr. BURROUGH.

*General Gomez to Mr. Burrough.*

[Translation.]

COMMANDANCY OF THE PLACE OF VERA CRUZ.

Agreeably to the provisions of laws in force in the Mexican republic, I sent to you this morning, by my adjutant, a polite message, summoning you to appear at my quarters at 10 o'clock to-morrow morning, in order to give your testimony before the proper *fiscal*, in a prosecution which has been instituted, and in which you were cited as a witness. Conformably with those laws to which you, sir, are subject, you should have complied with my request, without requiring, as you have, that the summons should be given in writing. However, in order that justice may be administered as promptly and equitably as possible, I repeat to you, by means of this note, my request that you will be pleased to present yourself at my quarters at 10 o'clock to-morrow morning, for the purpose above stated. I offer you the assurance of my consideration and esteem.

God and liberty. Vera Cruz, *November* 8, 1836.

GREGORIO GOMEZ.

The CONSUL *of the U. S. of North America.*

*The Commandant of Vera Cruz to Mr. Burrough.*

[Translation.]

VERA CRUZ, *November* 8, 1836.

DEAR SIR: As promised in my letter of the 5th instant, acknowledging the receipt of a communication from the commander of the United States sloop of war Natchez, which was remitted to me through you with your own of the 4th preceding, I have now the satisfaction to reply to it by stating that, it being evident your request was conceived in perfect consonance with that of the commander aforesaid, and that you also pretend to demand the delivery and release of eight mariners who composed the crew of a boat belonging to the said vessel, protesting at the same time against the judicial proceedings to which they were submitted, in order to bring to light the motives which have given rise to their imprisonment, I have consequently nothing to add further than what I have this day said to the commander of the Natchez in the enclosed answer, which, through the medium of your consulate, I have the honor to address to him, hoping that you will be pleased to inform him of its contents, considering the same as a reply to your own, and accepting at the same time the assurance of the sincere esteem which I repeat to you, Mr. Consul, as

Your very obedient and attentive servant,

CIRIACO VASQUEZ.

*The Consul of the U. S. A.*, Mr. BURROUGH.

*Mr. Burrough to the Commandant of Vera Cruz.*

CONSULATE OF THE UNITED STATES OF AMERICA,

*At Vera Cruz, November* 8, 1836, *at* 10 *o'clock, A. M.*

SIR: I have the honor of your note of yesterday's date, in reply to my respects of the 6th and 7th instant, referring me for satisfaction to Sor. General Gomez, commandant of the plaza, touching the subject-matter thereof.

Being persuaded that the eight seamen, constituting a part of the naval force of the United States of America, and attached to the United States sloop of war Natchez, under the command of master commandant Mervine, are, at this time, detained by your authority as military commandant general of the State of Vera Cruz, I accordingly addressed you as the only legitimate functionary by whom I could be permitted an interview with the said seamen; but which you have not thought proper to grant.

I therefore, for the third and last time, from motives of humanity to the prisoners, address you on this subject, and, as consul of the United States of America for the port of Vera Cruz, request an early reply, informing me whether, or not, I can be permitted an interview with the aforesaid seamen, citizens of the United States.

I have the honor to be, sir, most respectfully, your obedient servant, M. BURROUGH.

To CIRIACO VASQUEZ, Esq.,
*Military Commandant General*
*of the Department of Vera Cruz.*

*The Commandant of Vera Cruz to Mr. Burrough.*

[Translation.]

VERA CRUZ, *November* 8, 1836.

DEAR SIR: I have already declared, through my two last letters of the 6th and 7th, and now repeat, in reply to your favor of this date, that General Gomez, as commander of the plaza, is the person to whom you should resort with your instances, whether it be to know the place where your countrymen, the eight mariners of the sloop of war Natchez, are imprisoned, or to communicate with them, as you also desire.

This fact being granted, if, notwithstanding the frank and unequivocal reply which I have already made to your two first letters, and am now engaged in making to the third, you still insist that I am the functionary to whom you should address your petitions, I shall be under the disagreeable necessity of refusing them, because I cannot invade the attributes of another authority, although he may be dependent upon mine, who am the superior of the department.

Desist then, sir, from an attempt which can be productive only of embarrassment to your noble objects, and in which I feel that you cannot but be pleased at being persuaded that Mr. Gomez will attend to your instances or question, conformably to his duties as prescribed towards the nation, and towards you, as consul of the United States of North America.

This occasion affords me another opportunity of renewing to you, with pleasure, the assurance of the sincere regard with which I am your very obedient servant,

CIRIACO VASQUEZ.

Mr. BURROUGH, *the Consul*
*of the United States of America.*

*The Commandant of Vera Cruz to Captain Mervine.*

[Translation.]

VERA CRUZ, *November* 8, 1836.

DEAR SIR: From the tenor of your esteemed favor of the 3d instant, it is manifest, the information given to you in relation to the occurrence of the 2d, between the seamen of a boat belonging to the corvette under your command and the guard of the mole at this port, was communicated by

some passionate person, who, not having spoken with veracity, has caused you to believe that the said seamen have not committed a crime, but a trifling fault, to which we had on our part contributed; and that they were attacked with fire arms and swords by the armed force, and a portion of the inhabitants of the place who joined in the contest. Such inexact information betrays the bad faith of him who gave it; since it is public and notorious that the seamen made an armed resistance against a soldier and corporal of the guard of the mole, who, in compliance with their first duty, hastened towards the seamen with the view of reducing them to order; but the energetic resistance which they made rendered it necessary, in order to quiet them, to call for additional troops, who alone (and none of the inhabitants) met them with arms—which were muskets and swords, the same as are use by men of their profession in all parts. Nor is this bad faith the less betrayed by the fact of your having been assured that the said seamen were about to be assassinated, and that they were not arrested by the guard of the mole. Nothing else than their arrest was thought of, as in effect the object of the guard was thereby attained; and the corporal of the guard received a contusion in attempting to quiet the seamen who had been so disorderly, and in causing them to abandon the hostile attitude which they maintained, armed with boat-hooks, knives, oars, and pieces of wood. They were apprehended by the officer of the guard, acting of his own accord, who, at the instance of the consul of your nation, placed them at the disposition of the competent authority, and not at that of the police, as you have been falsely informed.

The facts being now put in their true light, you will see that this is not a trifling matter of reciprocal charity and forgetfulness, although it may be one of mutual regret; for between friends, between nations allied by solemn treaties of amity and cordial relations, the perpetration of offences so unjust and audacious as that committed by the seamen of the corvette under your command, is always productive of that sentiment. And you will also see that in their imprisonment and condemnation there is no want of respect to any one; but that a proper use has been made of the nation's right to chastise those who offend against it—a right incontrovertibly possessed by every nation in the universe. Will you then pretend that mine is in a worse condition than all others, and does not possess the right which emanates from its security and sovereignty, to chastise the individuals of the vessel under your command? If so, you cannot have fixed your mind upon the code of national law, for such an immunity of it would be a subversion of social order, and calculated to keep the world in continual war. Bear in mind the principles and doctrines of that universal code, and you will be convinced of the legality of the jurisdiction of nations to punish those who injure and offend them. But, even admitting that it may not be thus determined by that code, such jurisdiction would unquestionably hold good with mine, by the right of retaliation, since in the United States of America persons belonging to the navy and army of this republic have been tried and sentenced without there being any ground of complaint, as well as by the principle that what one nation regards as just for itself, the same should be held as proper for another.

The seamen of the corvette under your command, by unjustly attacking and wounding members of the guard at the mole, who repaired thither for the purpose of reducing them to that order which they had transgressed by their haughtiness or drunkenness, have been guilty of a heavy crime, according to our laws. They are now under trial before the competent authority, which is, notwithstanding what you say to the contrary, unquestionably within the jurisdiction of the nation; and, until the cause is terminated, I shall be under the painful necessity of refusing to deliver up these men, wholly and entirely, as you demand—although I confide in the sincerity of your promise to punish them if they should be found delinquent—inasmuch as by the laws of this country, I have neither power to grant pardon, nor to dispense with their execution, but on the contrary am bound to see them applied in all cases that may occur.

If, as you assert, there exists a number of causes of complaint between the two Governments, the trial of the before mentioned seamen, against which you protest, guided by false statements and equivocal doctrines, cannot serve to nourish that discontent, even if protests were solicited for the purpose, because your Government is too enlightened to be ignorant of what constitutes the jurisdiction of nations, and that offence cannot be taken by any other when they make use of their perfect rights. For this reason I flatter myself that this just and regular act will not be productive of that painful and gloomy influence which you insinuate, even with repetition, no doubt in entire sincerity; while I am pained at not being able to comply with your wishes touching the delivery of the seamem aforesaid.

With such a motive, I have the satisfaction of offering to you all my consideration, as your most affectionate friend and attentive servant.

CIRIACO VASQUEZ.

The Commander *of the U. S. sloop of war Natchez.*

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*Mr. Burrough to General Gomez.*

Consulate of the U. S. of America,
*At Vera Cruz, November* 9, 1836,
*at half-past* 9 *o'clock, A. M.*

Sir: In reply to your communication of yesterday, I beg to acquaint you that I do not acknowledge the jurisdiction of a military tribunal over my countrymen, and that even if such a monstrous principle could be admitted, I should still, as consul of the United States, be bound *ex officio* to protect and defend them, and to see that justice was impartially rendered them—a circumstance that alone precludes my appearing as a witness against them.

But I have a still stronger objection to urge, and it is, that, having referred the whole matter to the consideration of the chargé d'affaires for the United States in Mexico, I do not feel authorized to take any further step whatever therein, until I receive his advice and instructions.

I have the honor to be, sir, respectfully, your obedient servant,

M. BURROUGH.

To Gen. Gregorio Gomez,
*Commander of the plaza of Vera Cruz.*

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*Mr. Burrough to Mr. Ellis.*

Consulate of the U. S. of America,
*At Vera Cruz, November* 12, 1836.

Sir: Having received nothing from you by the two last mails, I am fearful that my letters have miscarried, or at least the one under date of the 2d instant, conveying to you intelligence of the occurrence at this place on that day, between the Mexican soldiery and the boat's crew of the United States ship Natchez.

Affairs in relation to the prisoners remain as when I last had the honor to address you on the subject. The authorities have had no further conference with me, *pro* or *con*. I have been informed, indirectly, that *four* of the seamen are confined in the hospital, two of whom have been at the point of death, from the bayonet wounds received; it is also stated that the other two were this day examined by the military authorities touching the facts of charges alleged. The result of their examination, or of the state and condition of the others, I have not been able to learn.

If the Government of the United States can bear all that has recently transpired at this port in the way of aggressions and outrages on its flag and citizens, I wish no longer to have my life jeopardized by a residence in this country;

and I do contend that, unless some decisive measures are adopted by our Government, in justice of the rights and liberties of her citizens in Mexico, our lives can scarcely be preserved. But so long as I remain charged with the interests of my brethren at Vera Cruz, my duty shall be done, let consequences be what they may; and if I fall, it will be in a just and virtuous cause.

I have the honor to be, sir, most respectfully, your obedient servant, M. BURROUGH.

To Hon. POWHATAN ELLIS,
*Chargé d'Affaires U. S. A., Mexico.*

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*Mr. Burrough to Mr. Ellis.*

CONSULATE OF U. S. OF AMERICA,
*At Vera Cruz, November* 14, 1836.

SIR: I have nothing to communicate in regard to the American seamen imprisoned at this city, further than that I yesterday received a letter, signed by *four* of them, in an hospital of this town, stating that they were on Saturday taken out and examined by the authorities. They request me to call and see them, but as yet no permission has been granted me to visit them; and whether I shall be permitted to have an interview with any of them, remains yet to be ascertained.

I have the honor to be, sir, most respectfully, your obedient servant M. BURROUGH.

Hon. POWHATAN ELLIS,
*Chargé d'Affaires U. S. A., Mexico.*

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*Mr. Ellis to Mr. Burrough.*

LEGATION OF THE UNITED STATES OF AMERICA,
*Mexico, November* 15, 1836.

SIR: Your letter of the 10th instant, with the accompanying documents in relation to the seamen of the United States ship Natchez, reached me last evening, and, on their examination, I was struck with amazement to find that General Gregorio Gomez had been appointed to the command of the plaza at Vera Cruz, after his dismissal from the service for improper conduct to American officers at Santa Anna de Tamaulipas. In the present age, such an instance of punic faith is not to be found in the history of any civilized nation on earth. I will not make further comment on this extraordinary and reckless act on the part of this Government. The day of retribution will come, and a heavy one it will be for the people Mexico.

I shall do all in my power to procure the release of the American seamen now held in confinement by the arbitrary acts of the authorities at Vera Cruz, and will, as early as possible, advise you of the result.

With great respect, your obedient servant.
POWHATAN ELLIS.

To M. BURROUGH, Esq.,
*United States Consul, Vera Cruz.*

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*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,
*Mexico, November* 16, 1836.

The undersigned, chargé d'affaires of the United States of America, has the honor to make known to your excellency that, on the 2d instant, a boat and eight men, under the command of Midshipman Renshaw, left the United States sloop of war Natchez, then at anchor off Sacrificios, and landed on the mole in the city of Vera Cruz. During the absence of this officer, who had orders to see the consul of the United States at that place, the crew became intoxicated, and one of them unfortunately got into a quarrel with a fisherman on the mole. The guard at the gate repaired to the scene of contention, and with arms fell upon the sailor. The rest of the crew hastened to his assistance, but were ultimately driven into their boat, with the exception of two of them, who were so badly wounded that they could not retire. At this moment Midshipman Renshaw arrived. The wind being high, and the sailors incapable of working the boat, he, on the advice of the consul, requested the captain of the port to receive them in charge until they were called for on the succeeding day. The wounded were taken to the hospital. The day following the consul of the United States demanded that the men should be delivered to the officer in command of the boat; but this was wholly refused, and up to this period they are detained in close confinement, and the consul (whose duty it is provide for their comfort) is not permitted to see them. From the information received in relation to this unpleasant occurrence, it cannot be ascertained whether the seaman or the fisherman was to blame in the first instances; but there can be no doubt the men acted in self-defence, when the armed soldiery proceeded to attack them with bayonets and cutlasses, until they were driven into their boat. While in this defenceless situation, some of them weltering in their blood, the Mexican soldiers, at the instance of an officer who had furnished them with cartridges, were in the act of firing a volley of musketry into the boat, when their intention was defeated by the timely interference of the captain of the port, whose humane conduct on that occasion saved the lives of the officer and crew. If the seaman was the aggressor, still it is believed this will not present such a case as to warrant the interposition of an armed guard to attack a drunken and defenceless man, whose life was put in imminent danger by the assailants. That the balance of the boat's crew, animated by those generous feelings which always exist among men in their condition of life, should throw themselves between the bayonets of the Mexican soldiers and their shipmate, whose life was thus placed in jeopardy, deserves admiration and praise rather than chains and punishment. There is no evidence of a fixed design to treat with disrespect this Government, or the authorities at Vera Cruz.

The undersigned cannot refrain from expressing his surprise that an officer bearing a commission of this Government, should have considered it any portion of his duty to instigate his men to fire upon unarmed American citizens, situated as they were, and much less could he have supposed that the authorities at Vera Cruz would, under all the circumstances of the case, incarcerate them with a view to their puishment under the municipal laws of Mexico. It is now a well understood principle of national law, that a public armed vessel of a foreign Power visiting the ports of a country with whom her Government is at peace, and conducting herself in a friendly manner, is exempt from the jurisdiction of such country, for the very obvious reason that the municipal law of one country cannot change the law of nations so as to bind the citizens and subjects of another country. Whenever these antagonist principles come in opposition to each other, the latter must prevail over the first. If it were otherwise, that good understanding among all nations so necessary to promote harmony and concord in their intercourse with each other could not be preserved. The undersigned will further remark, that the seamen in question were handed over to the captain of the port with the express understanding that they were to be returned on the succeeding day. Under this agreement he conceives no just reason can be urged for their detention at this time. He has therefore no hesitation in requesting your excellency that, if the facts be found as herein stated, he will cause the seamen aforesaid to be delivered to the commander of the United States sloop of war Natchez, or to the consul of the United States at Vera Cruz; and that if the officer of the guard shall prove culpable in instigating his men to the commission of the acts as detailed, he may be visited with merited punishment.

The undersigned avails himself of this opportunity to

renew to your excellency the assurance of his very distinguished consideration.

POWHATAN ELLIS.

To his Excellency Jose Maria Ortiz Monasterio,
*Acting Minister of Foreign Affairs.*

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*Mr. Burrough to Mr. Ellis.*

Consulate of the U. States of America,
*Vera Cruz, November* 19, 1836.

Sir: By this morning's mail I had the honor of your letter of the 15th instant, advising that my respects of the 10th, with its accompaniments, had reached you.

The American seamen are yet in confinement, and no overtures made on the part of the authorities of this Government to enable me to visit them, nor has any communication been received in relation to them since I last addressed you in their behalf, and for which I am willing to give the credit to General Gregorio Gomez, the military commandant of the plaza of Vera Cruz.

Enclosed I hand you copies of two notes received from the prisoners, and whom I shall make, perhaps, another effort to see in the course of a day or two, in case they are not released. I have sent them a little money through the bearers of the two notes, but am apprehensive that it has not been received. Concluding my remarks on the subject of said seamen, citizens of the United States, I can but assure you that nothing on my part shall be wanting to the end that they may be released and protected from oppression.

I have the honor to be, sir, most respectfully, your obedient servant,

M. BURROUGH.

The Hon. Powhatan Ellis,
*Chargé d'Affaires U. S. A., Mexico.*

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*The American Seamen to Mr. Burrough.*

Vera Cruz Hospital, *November* 14, 1836.

Respected Sir: We were informed by a gentleman who examined us yesterday, that our ship had sailed from this port a few days ago, and that we were left under your protection. If such is the case, we should feel much obliged if you would make it convenient to call here and see us, as we stand much in need of your advice at present.

We remain, sir, your humble servants,

HENRY HAVIST,
JAMES HOOPER,
SAMUEL LONG,
R. FREEMAN.

For the American Consul, *Vera Cruz.*

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*The American Seamen to Mr. Burrough.*

Vera Cruz Prison, *November* 19, 1836.

Respected Sir: As we have been discharged from the hospital, and are all here in prison, we beg leave to inform you that we are much in want of tobacco, and that we are not allowed a sufficient quantity of food, in consequence of which those that have been in prison all the time are getting sick and will be obliged to go to the hospital. We should feel much obliged if you would so far interest yourself in our behalf as to get us out of here, and, if convenient, we should be thankful by your calling here.

We are, respectfully, sir, your humble servants,

NATHANIEL GROVES,
SAMUEL MOULDING,
SAMUEL LONG,
JOHN WILLIAMS,
JOHN DAVIS,
JAMES HOOPER.

*Mr. Burrough to Mr. Ellis.*

Consulate of the U. States of America,
*Vera Cruz, November* 24, 1836.

Sir: I beg to advise you that General Antonio Castro, the military commandant general of this department, did me the honor to call at my office to-day, and stated that, having received instructions from the Supreme Government in regard to the seamen of the United States ship Natchez, detained in this city, he should issue an order for their liberation, and who would be delivered to my charge.

The said mariners have not as yet appeared, but who will probably, according to promise, be presented at this consulate in the course of to-morrow. I shall take charge of them, and dispose of them as I heretofore informed you.

I have the honor to be, most respectfully, your obedient servant,

M. BURROUGH.

The honorable Powhatan Ellis,
*Chargé d'Affaires U. S. A., at Mexico.*

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*Mr. Burrough to Mr. Ellis.*

Consulate of the U. States of America,
*Vera Cruz, November* 26, 1836.

Sir: I have the gratification to inform you that the eight American seamen belonging to the United States ship Natchez, and who have been detained in prison by the authorities of the Mexican Government at this city for the period of twenty-three days, were yesterday delivered to my charge by the commandant of this plaza.

Enclosed I transmit copies of letters on the subject of their liberation.

I have the honor to be, sir, most respectfully, your obedient servant,

M. BURROUGH.

Hon. Powhatan Ellis,
*Chargé d'Affaires U. S. A. at Mexico.*

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*The Commandant of Vera Cruz to Mr. Burrough.*

[Translation.]

Commandancy General of the Department of Vera Cruz.

I have this day given a suitable order to the military commandant of this plaza, directing him to deliver over to you the eight mariners belonging to the American sloop of war Natchez, against whom a prosecution was instituted in consequence of the quarrel which they had with certain Mexican citizens, and of the resistance which they made to the guard of the mole; hoping that, in conformity with what you were pleased to signify to me in the conference which we held this morning, they may be chastised by the competent authorities of their own nation, according to the laws which there exist, and in a manner corresponding to the crime which they have committed in this republic.

With this motive, Mr. Consul, I have the honor to offer to you, respectfully, my consideration and esteem.

God and Liberty. Vera Cruz, November 24, 1836.

ANTONIO DE CASTRO.

The Consul *of the United States of North America.*

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*Mr. Burrough to the Commandant of Vera Cruz.*

Consulate of the United States of America,
*Vera Cruz, November* 25, 1836.

Sir: I am honored with your letter of yesterday, and by which I am informed that an order has been passed to the commandant of this plaza, in virtue of which the eight seamen belonging to the United States ship Natchez, detained by the authorities of this Government under the accusation of infringing the laws of the Mexican republic, in

a conflict with citizens of the country, and for resisting the military guard at the mole.

In pursuance of your command, seven of the said seamen were delivered at this consulate at the hour of 11 o'clock this day, since which, the other has presented himself, and who, it appears, was detained by illness in the hospital.

Responding to that part of your letter by which you apparently enjoin it as a condition of the liberation of the afore-mentioned seamen, that they be chastised by the competent authority of my Government, in accordance with the laws of the United States, I have the honor to state, that a communication on that subject from the commander of the United States ship Natchez, under cover of a note from this consulate, bearing date the 4th of November, has already been made to the then military commandant general of this department, in which the said commander refers to a letter of previous date, addressed to the aforesaid authority, expressive of his profound regret at the unfortunate occurrence of the 2d instant, and wherein he assures the incumbent of office "that if, on inquiry, the provocation should appear to have originated from the American seamen, the offenders should receive condign punishment;" and there is no reason to doubt the good faith of Captain Mervine, commander of the United States ship Natchez. But, as this consulate is in possession of no testimony that the American seamen are delinquents, the converse being proven, and by ample testimony, that they were wantonly attacked and unmercifully beaten and wounded by the military guard and other assailants at the mole of this city, on the morning of the 2d instant; and unless some proof at least be adduced that they, the said seamen, were the aggressors, I am constrained to express my disapprobation of the justice of your requisition regarding their chastisement.

Having already protested against the unjust and arbitrary detention of said American seamen, I now solemnly protest against the inquisitorial proceeding, or trial, instituted against them by your predecessor in office, during which, I, as consul of the United States, and *ex officio* their natural guardian and protector, was excluded all communication with them, my suffering countrymen, notwithstanding I made three several and distinct applications for liberty to communicate with them, and, if necessary, to minister to their comfort.

I have the honor to be, with high consideration of personal respect, your obedient servant,

M. BURROUGH.

To Antonio Castro, Esq.,
*the Military Com. General of the Dept. of Vera Cruz.*

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*Mr. Monasterio to Mr. Ellis.*

[Translation.]

Palace of the National Government,
*Mexico, December* 2, 1836.

The undersigned, acting Minister of Foreign Affairs, has the honor to transmit to the Hon. Powhatan Ellis a copy of a communication from the Department of War, relative to the delivery to the consul of the United States in Vera Cruz, of the seamen of the American sloop of war Natchez, who were imprisoned on account of the quarrel in which they were engaged on the mole of that port.

The undersigned, while transmitting this document to the Hon. Powhatan Ellis, as the result of his note upon this subject, renews to him the assurance of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. Powhatan Ellis,
*Chargé d'Affaires of the United States.*

*Mr. Tornel to Mr. Monasterio.*

[Translation.]

Department of War and Marine,
*Section* 3d, *Commandancy General of the Department of Vera Cruz, Mesa* 1st, *No.* 718.

Excellent Sir: In consequence of the superior note of your excellency, of the 19th instant, excusing some difficulties which embarrassed the termination of the preparatory proceedings instituted upon the quarrel moved by sundry sailors of the American sloop of war Natchez, seeing the merits which sustain those instructions, and following the desires of the Supreme Government, I have this day closed the subject in question, leaving uncompromited the national decorum, by delivering over to the disposition of the consul of the United States of the North, the said mariners, who, by their ignorance and excesses, rendered themselves liable to proceedings which they themselves provoked—that functionary having promised that he would send them by the first vessel that offered to the proper authority, to whom he would recommend that they should receive condign punishment for their offences; and in doing myself the honor to communicate this to your excellency, in reply to your note aforesaid, I have also that of renewing to your excellency the assurance of my respectful consideration.

God and Liberty. Vera Cruz, *November* 24, 1836.

ANTONIO DE CASTRO.

*To his Excellency the Minister of War and Marine.*

Copy: Mexico, November 29, 1836.

JUAN L. VELASQUES DE LEON.

Copy: Mexico, December 2, 1836.

JOSE MARIA ORTIZ MONASTERIO.

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*Mr. Ellis to Mr. Burrough.—Extract.*

Legation of the United States of America,
*Mexico, December* 3, 1836.

Sir:

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I am exceedingly gratified to learn that the American seamen have been discharged, and trust you may soon have an opportunity to send them to Pensacola.

With great respect, your most obedient servant,

POWHATAN ELLIS.

To M. Burrough, Esq.
*United States Consul Vera Cruz.*

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*Mr. Monasterio to Mr. Ellis.*

[Translation.]

Palace of the National Government,
*Mexico, December* 6, 1836.

The undersigned, acting Minister of Foreign Affairs, has the honor to enclose, herewith, to the honorable Powhatan Ellis, a copy of another communication which he has received from the Department of War upon the delivery made to the consul of the United States in Vera Cruz of the eight mariners belonging to the sloop of war of that nation called the Natchez; and thereupon renews to him the assurances of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. Powhatan Ellis,
*Chargé d'Affaires of the U. S. of America.*

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*Mr. Tornel to Mr. Monasterio.*

[Translation.]

Department of War and Marine,
*Section* 3d, *Mexico, December* 2, 1836.

Under date of the 26th of November last past, the commandant general of Vera Cruz addressed me as follows:

Excellent Sir: Provision having been made by the military commandant of this plaza for delivering to the consul of the United States of the North the eight seamen belonging to a sloop of war of that nation, the Natchez, as your excellency was advised in my official note, No. 718, of the 24th instant, the said commandant, under date of the 25th of the same month, thus reports to me: "In due fulfilment of the decree issued by your excellency, embracing a summary of instructions about the seamen of the American sloop of war Natchez, accused of having drawn arms upon the guard of the mole, according to your note of yesterday, the eight mariners referred to have been delivered over to the consul of their nation in this port, through one of the adjutants of the plaza, as he was by me commissioned to do. And I have the honor to announce the same to your excellency, in reply to your note aforesaid."

And I remit it to your excellency for your information and that of the excellent President *ad interim*, to whom you will be pleased to say that this business is now terminated.

By order of his excellency, I enclose it to you for your information and such purpose as you may deem fit.

God and liberty. TORNEL.

*The acting Minister of Foreign Affairs.*

Copy: Mexico, *December* 6, 1836.

JOSE MARIA ORTIZ MONASTERIO.

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*Mr. Ellis to Mr. Forsyth.*

Legation of the United States of America,
*Mexico, December* 22, 1836.

Sir: I have the honor herewith to enclose the balance of the correspondence between the acting Minister of Foreign Affairs for the Mexican republic and myself, which led to the demand of my passports.

I am, with great respect, your most obedient servant,

POWHATAN ELLIS.

Hon. John Forsyth,
*Secretary of State, Washington City.*

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*Mr. Monasterio to Mr. Ellis.*

[Translation.]

Palace of the National Government,
*Mexico, November* 15, 1836.

To the Hon. Powhatan Ellis,
*Chargé d'Affaires of the U. S. America.*

The undersigned, acting Minister of Foreign Affairs, has informed the honorable Powhatan Ellis, through his private note of the 3d of October last, and his official note of the 23d of the same month, that in order to reply to the one from his excellency of the 26th of September, in which he sets forth various reclamations on the part of the United States of America against the Mexican Government, it was necessary to collect all the important data; some of which were to be obtained from different authorities and officers both within and without the capital, because they did not appear in the Department of Relations; but now, with such as are before the undersigned, he hastens to reply to said note, although it may not be, upon all and every point embraced in it, yielding to the urgency of Mr. Ellis, and desiring to give him a proof that the supreme administration of the republic is not unmindful of these affairs, and that there has not been any the slightest omission on the part of this department, in giving the necessary explanations.

Before entering upon the matter, the undersigned believes that he ought to establish a preliminary basis for the better understanding of his reply to each one of the charges embraced in the note of the honorable P. Ellis. The 14th article of the treaty of amity, commerce, and navigation subsisting between this republic and the United States of America, provides that both Governments guaranty their especial protection to the persons and property of the citizens of each other, "leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law," &c.; and hence, from the tenor of this paragraph, it is evident that this protection is limited to a resort to those tribunals, whose access is thus rendered easy, and that the laws of the country are made to bear upon them with all due impartiality. By leaving the parties interested to carry on their own affairs, they can discuss and arrange the points at issue without the direct interposition of their respective Governments, which might, in some cases, affect their interests. On the same principle, all those reclamations which have for their object the proceeding of officers of the customs in fulfilment of the laws of finance, for abuses which may have been committed, do not, in any manner, attach to the Executive of the republic, but ought to be examined before the tribunals of the district and circuit and in the supreme court of justice, according to the order of proceedings established by law, without making them matter of diplomatic discussion, so long as the parties interested are not denied those legal resources which are open to Mexicans, but without the one pretending to rights which the others do not enjoy, inasmuch as there could not exist two different legislations for natives and foreigners; and these, all of which they may claim in virtue of the treaty, are, that the latter may be judged by the same laws, and by the same tribunals as the former. The undersigned is induced to make this observation, because he discovers that, in general, the reclamations contained in the note now under consideration, are confined to the affairs of individuals whose trial and adjustment belong to the judiciary of the republic; he will, therefore, leave its application to the several points coming under it, and pass to a consideration of them, following the order in which they have been placed by the chargé d'affaires of the United States.

The first, relative to the proceedings had at Tabasco upon the cargo of the American schooner Northampton, and the injuries inflicted on her captain, is entirely unknown to the Department of Relations; and hence it is, that, because of the relation made by the honorable Mr. Ellis, the necessary information has now been called for, with a view to take such order on it as the facts may justify.

The complaints of the citizen of the United States of America, John Baldwin, against the authorities of Guazacualco, form the second subject treated of in the honorable P. Ellis's note; and an examination of the documents in the case proves that, whatever may have been the grievances which Mr. Baldwin has borne, and however arbitrary the acts of said authorities, the party interested ought to have sought reparation for them, and punishment of his aggressors, before the proper tribunals, whose action was alike open to foreigners and natives. Nevertheless, as he has placed his cause in the hands of the chargé d'affaires of his nation, who has transmitted it to the department in charge of the undersigned, the Supreme Government will take such part in the same as is proper. What blame can attach to the Government, because, up to this time the suits instituted against Mr. Baldwin have not terminated in the respective courts, seeing that it has constantly done every thing in its power, which was to write to the authorities urging them to administer prompt and ample justice, by placing in their true light the acts of which he complained, and punishing those who might prove culpable? This is all the intervention which the supreme Executive power has in subjects of this nature; and the independence which has been placed between it and the Judiciary, would draw

upon the Executive a heavy responsibility, if it should proceed in any other manner to administer the laws by itself. In the legation now under the charge of the honorable P. Ellis, there are many communications which prove that the Government of the undersigned has fulfilled its duties towards Mr. Baldwin, as the repeated orders which were given to the Governor of the State, now department of Vera Cruz, will show that it has never disregarded the obligation imposed upon it of giving due protection to all inhabitants of the republic, without, however, trespassing beyond the limits which the laws designate.

The undersigned cannot refrain from remarking, before leaving this point, that the conduct of said Baldwin has not been so circumspect and regular as is stated in his manifesto; since there have been instituted against him six criminal causes in the court of Acayucan; and there are other complaints against his proceedings, according to information lodged by the commissioner of Guazacualco, which will be duly made known to the legation of the United States; and hence it is, although the Supreme Mexican Government might have had power to interpose more directly in these subjects, carried away by a desire to relieve the party interested from his sufferings, the course which the respective tribunals took would have prevented it from doing so; and resting upon these principles, the department repelled the idea advanced by Mr. Anthony Butler, in his note of the 6th of September, 1833, relative to the case of Mr. Baldwin, that it would be treated as a national question between the United States and Mexico; because the case of an individual could not assume such a character, when it essentially belonged to the judiciary, and the Government had done all within its power and authority—much less when there were data so little favorable to the complainant. The light, then, in which the affair in question ought to be viewed, is, whether the Supreme Government has granted to him, or not, due comfort and protection; and it being demonstrated, as well by this clear exposition as by documents in the possession of the honorable Mr. Ellis, that it has been the first, the Government stands absolved from all claim that can be brought against it. But to give a new proof of the desire which has always animated it to bring about a prompt and happy termination of this subject for Mr. Baldwin, it has addressed an energetic representation to the proper authority, to the end that if there should be yet any cause pending, justice may be awarded to him with due promptitude and impartiality.

The documents existing in the department under the charge of the undersigned, are not sufficient to form a distinct idea of the case relative to the occupation of the American brig Topaz by the Mexican authorities, to convey troops from Matamoras to Galveston; and the same have been therefore applied for at the Department of War, where they ought to be; but from those which are in the possession of the undersigned, he adduces that said brig was freighted by the commandant of Anahuac to convey the troops aforesaid; and that on the voyage, the mariners, wishing to possess themselves of the money which was on board, formed a plan to assassinate the Mexicans who manned the schooner, she being wrecked, and they having escaped in the boats. In fact, after having thrown Captain Ryder into the sea, and secured the troops in the hold, they proceeded to assassinate two officers of this republic, when one of them escaping, gave the alarm; the troops broke open the hatches, fell upon the authors of the mutiny, killed the pilot, who was the ringleader, and secured the others, in order that they might be tried; and although these attempts of the crew were attributed by them to the Mexican soldiery, two captains of other vessels of the United States, who arrived subsequently at Anahuac, and who believed it to be their duty to investigate the matter, decided against the mariners, upon hearing their contradictory testimony. If these have occurred as stated, it is very clear that no blame can be charged upon the Mexican Government for the death of the captain and pilot of the Topaz. But the undersigned will carefully examine the documents which he has called for, in order to fix these acts and that relative to the detention of the schooner in question.

As regards the case of the schooner Brazoria, it is evident, from the respective testimony in the case, that because of the bad condition in which she found herself in the port of Vera Cruz, in the year 1833, her sale was determined on; but as the commandant of marine for that department informed the Supreme Government that he had not, nor was it in his power to give, official information whether or not said vessel belonged to the national squadron, and that he had simply heard it said she was the property of a citizen of the United States, pressed into the service of the colonists of Austin to transport troops from Galveston to Matamoras, and that the owner had abandoned her with protest for loss and damage, it was ordered by the Minister of War that the proceeds of the sale, if it should be effected, as well as recompense for the use which had been made of the vessel, should be deposited in the treasury of the same Department of Marine, to cover the loss and damage which the party interested had sustained; to which end it was also recommended that a summary investigation should be made as to who was the owner. And hence it is, if he had presented his claim as it should have been, the same would have been liquidated immediately after the passage of the decree in his favor by the Supreme Government—a decree issued without any reclamation, either official or private, having been made, but prompted solely by the principle of justice which sustained the party interested. In virtue whereof, as soon as the documents, legally certified, shall be presented, proving the owner of said vessel, and all else that is necessary, suitable measures will be taken for such indemnification as may be just.

The claim of Mr. Aaron Leggett, a citizen of the United States of America, for the loss in Tabasco, during the year 1832, of his steamboat called "Hidalgo," has been submitted to due examination, and from this investigation it results that, according to contract, and in virtue of the privilege granted to said vessel, it was his duty to transport, gratis, national troops, whenever required by the public service, notwithstanding which, Leggett was paid at that time one thousand four hundred and thirty-three dollars and one real for freights; that when the vessel was stranded she was occupied in the service of her proprietor, and not in that of the republic; and this accident resulted from the bad condition of the boat, and from the excessive cargo on board; that neither the capital nor the means employed by Leggett could have effected the cutting of enough dye-wood to load the eight vessels referred to in his writings, since, according to the declarations of the contractors for cutting this wood, it was not to have been delivered until the year following that in which he suffered the damages complained of; that Leggett having disapproved the contract which was concluded by his attorney, he could not then reckon upon freight for said vessels; which annihilation of the contract obliged Messrs. Brown and Gallagher to dispose of their furniture and stock in trade, in order to pay the contractors for the wood; and as this was situated forty or fifty leagues in the interior from the coast, it is evident that, even when cut, some four or five months would be necessary to bring it to the point of embarcation. Nor could he have had a sufficient quantity to load the vessels referred to, inasmuch as it was impossible to obtain the one hundred and fifty thousand quintals of logwood which he mentions, with the small means wherewith he was provided. It is also evident that the value of Leggett's steamboat could not be more, according to some, than sixteen or eighteen thousand dollars, and according to others, from six to eight, and from four to five thousand dollars; and that said individual being a debtor to

the public treasury for imposts due, he was forced to pay them, and a valuation of his effects being made by skilful persons, by order of the competent authority, their just estimate was set down at the sum of fourteen thousand one hundred dollars.

In virtue of this exposition, the supreme Mexican Government conceives itself exonerated from paying to Mr. Leggett the sums which he claims for losses and damages, sums exaggerated by chimerical calculations, as is also seen by the same investigation; and hence it is the Government has determined that the party interested must go before the tribunals, whose access is open to him, should he even insist upon the matter, which, in its nature, admits of much litigation. These provisions, dictated by the Minister of War, have been already made known to Mr. Leggett by the department in charge of the undersigned, and as he has not conformed to them, but has, in place of resorting to the tribunals, as is the law, for a judgment, repeated his instances before the Supreme Government, soliciting a new resolution, which, if it can be admitted by the attributes of the Executive, the undersigned will have the honor to communicate to the honorable Mr. Ellis as soon as it is made known to him by the respective department.

As soon as the Supreme Government received information of a publication made in New York by the captain of the brig Industry, Mr. McKeige, referring to what he had suffered in Tabasco, and complaining of the proceedings of the authorities and employees there, it ordered that a legal investigation of these acts should be instituted, which, having been done, and it being proved that the judge of the district and the commandant of the guard of that custom-house were guilty of the heavy charges alleged against them, a corresponding suit was ordered to be formed, and merited chastisement inflicted. This has been carried through all the forms prescribed by law, and, for its speedy termination, the undersigned has issued suitable directions to the end that, according to its result, just measures may be adopted to indemnify Mr. McKeige for the losses and injuries which were occasioned him by some individuals who, by their mercenary and imprudent conduct, have compromited the honor of their nation.

This is, as regards the imprisonment of Captain McKeige, and the sum of money exacted for his own and his vessel's liberation, and for the detention of the latter, since, as regards the crew of the same having been obliged to engage in a combat which occurred between the Government troops and other disaffected persons, it appears that the mariners entered voluntarily into that labor, and were not obliged by force, as the said captain of the brig asserts; and it further appears that the grievances which the captain says he suffered in prision are exaggerated, as well as that the military commandant of that city took any part in inflicting the wrongs of which he complains.

With respect to the case of the American brig Paragon, the Department of War not having communicated to that of Relations the result of the apprehension and trial which was ordered against the captain, officers, and men of the national schooner Tampico, as the chargé d'affaires of the United States was duly advised, the undersigned has issued a suitable order, that he may be informed of what has occurred up to this time, with a view to communicate the same to the honorable P. Ellis.

The subject of the detention at Campeche of the American brig Ophir, reduces itself to the following: The visits of the military inspectors and of health were made, and before the arrival of the custom-house guard, the captain of the vessel demanded, with repeated urgency, that he should be permitted to go on shore; and this being granted to him, he maliciously attributed the measure to the captain of the port, supposing it had been done to prejudice him, when the truth is, it was granted at his own request, and he carried his impression to such an extreme as to accuse him before a tribunal and to ask his punishment for an act of pure condescension. On landing, the captain of the vessel presented his private manifesto, omitting his general one, whereby he became immediately responsible to the law, for which fault the judge of the district, considering that the vessel should answer for said general manifesto, which ought to have been presented in the very act of coming to anchor, agreeably to the requisitions of the law of the 31st of March, 1831, commanded that she should be properly secured until the conclusion of the trial which was about to ensue, and discharged the cargo. For this purpose, and fearing the escape of the vessel, he removed the sails, depositing them in store-houses, and placed over them a small guard, which was subsequently augmented; and he caused the vessel to be brought nearer to the city, because of the continued threats of her escape, of setting on fire the tar which she contained in order to destroy those who guarded her, and of others sufficiently insolent and insulting. In the mean time, the vessel was condemned to the penalty of confiscation, but the captain having appealed from this sentence, and the judgment having passed through all its legal forms, the same was revoked, the vessel being ordered to be restored upon security, as was in fact done, and the captain again taking command of her; and when in virtue of this, he could navigate freely, he put to sea without any cargo whatever, leaving in the possession of the consul of the United States all his sea-papers: and this precipitate and clandestine step was occasioned by a dispute about the interests which the captain aforesaid of the vessel in question had with his surety.

It results from this exposition that the Mexican authorities have not in any manner exceeded their powers, since the detention of the vessel had its origin in the want of her general manifesto; but when that was remedied, she was declared free, and so returned to her captain. Thus, then, it does not appear that the reclamation in this case is well founded, nor is there any justification, so far as the Mexican republic is concerned, for the injurious and highly offensive protest against its officers and employees, which the captain of the vessel in question noted before the consul of the United States in Campeche, actuated by the grievances suffered to which he brought upon himself, and which were acts determined by law. The Government of the undersigned, therefore, believes that that of the United States of America has been misinformed as to these events, and that, when advised of what has really occurred, it will disapprove the conduct of Captain Brittingham, of the brig Ophir, as well because of the inaccurate statements which he has transmitted to it, as of the protest aforesaid, wherein, with as much injustice as wantonness and audacity, he alleges so many charges against the Mexican republic; and upon which particular it does not appear that the cabinet at Washington have taken any steps, or even manifested its displeasure or its disposition to satisfy in any manner the just complaint of a friendly nation for so injurious a libel, notwithstanding the same was conveyed to it through the medium of the chargé d'affaires of the republic.

As it does not appear that any reclamation or complaint has been presented, up to this time, to the National Government, upon the impressment of the American brig Martha, by the Mexican called the Montezuma, and as the first intimation of this subject which the department in charge of the undersigned has had, is that communicated in the note of the honorable P. Ellis of the 26th September last, no reply can be returned to it with due knowledge of the facts; and in order to do so, the proper authorities have been called upon to furnish the corresponding details and information, which the undersigned will have the honor to transmit to your excellency with all promptness.

In regard to the capture of the American schooner Hannah Elizabeth, the undersigned has recommended to the Minister of War the most prompt remission of the sum-

mary of proceedings upon this subject which the commandant general of New Leon and Tamaulipas was ordered to institute, as the undersigned had the honor to announce to the honorable P. Ellis in his note of the 17th of July last; and as soon as he can obtain the document he will communicate to him the result.

This Department has also called anew upon that of War for such facts as may come to hand touching the outrages which, it is said, were committed in Matamoras by a party of armed Mexican troops upon the consul and others, citizens of the United States, which formed the subject of the honorable Mr. Ellis's note, addressed to the undersigned on the 9th of September last; and he will take the earliest opportunity to advise your excellency of the same.

There being no previous information in this Department relative to the occurrences in the case of the schooner Eclipse, of Mobile, they have been requested to be furnished by the Department of Finance, for the purpose of answering under this head the note of Mr. Ellis, to which the present note of the undersigned refers.

As a consequence of notice had in Matamoras in April last, that some hostile vessels were cruising in our waters, and destined for that port, the commandant general of those departments ordered, as a measure of precaution, that the departure of every vessel from the bars of the same should be suspended, and that they should draw as near as possible to the city, in order that they might be protected by the fire from the plaza in case of aggression; but this provision, which lasted only a very few days, notwithstanding it was called for at the time by the best interests of the national service and the safety of the vessels aforesaid, was disapproved by his excellency the President, because the provision had not been dictated by the Supreme Government, which alone has the power to make use of this inherent right of all nations, instructing said commandant general that no port should in any event be closed without superior authority, because of the evils which might be occasioned to commerce. It appears that, on this occasion, no injury did result—at least the Supreme Government has heard no complaint of such, and the undersigned therefore believes that this would be considered a sufficient reply to the reclamation growing out of the detention of the schooners Jane, Compeer, and other vessels of the United States of America; more particularly if it be remembered that the proceeding in question was not confined exclusively to them, but to all vessels then in Matamoras, whatever might have been their destination, including national ones.

The Government of the undersigned has no information of the act to which the honorable Mr. Ellis refers, of the American consul in Tabasco having been required by an alcalde of that city to authenticate, with his consular seal, certain public documents; and because of the same, in order to form a correct idea of the matter, a statement of the necessary facts has been required of that functionary, the result of which the undersigned will make known to the chargé d'affaires of the United States of America.

Your excellency, after specifying all the subjects which have been thus replied to, goes on to say that Mexican armed vessels have fired upon and insulted the flag of the United States of America; that her consuls have been maltreated and insulted by the authorities, private citizens assassinated, arrested, and scourged like malefactors; their property condemned and confiscated, &c.; but as these charges are made in terms so general, the Supreme Government of the republic desires that they may be specified, before taking them into consideration. The Government would have taken as much pleasure in repairing losses and injuries which have been unjustly suffered in Mexico by citizens of the United States, and in giving satisfaction for insults inflicted on the flag of the same, as is the feeling of regret which has been caused by some reclamations, which are either unfounded, because those who present them have rendered themselves liable by their own conduct to proceedings intended to correct abuses and arbitrary acts; or, if they were in truth committed in the republic, it has been against the constant desire of the National Government that there should be preserved in all parts those considerations due to the citizens of friendly Powers; against its efforts and endeavors that there should exist no difference between them and the natives of the country; and, in fine, against its repeated dispositions that before all tribunals and authorities they should receive protection, and speedy and ample justice be awarded to them. Because of this, and with the object of vindicating the national honor, so far as it can be compromitted by the acts to which the honorable P. Ellis collectively refers, and of giving new proofs of the rectitude, probity, and decorum of those principles which have in all time governed the conduct of the Supreme Mexican administration, it will esteem it a favor to receive a statement of all existing causes of complaint, promising justice and impartiality towards that of the United States of America, who will be convinced of the exaggeration used by the claimants in presenting their demands, through motives which it is needless to mention—endeavoring thereby to reap advantages which they could never otherwise obtain, and to escape punishment for misdemeanors which they commit in contempt of the laws of the country where they prosecute their speculations, although it may be at the expense of compromiting the friendly relations and good harmony between this and the nation to which they belong.

But although the Government of the undersigned may be thus willing to admit the just demands which may be presented, and ready to repair the injuries which have been occasioned in this republic to the parties interested in them, it cannot be indifferent to the crimination made in the note of the Hon. P. Ellis, to which the undersigned is now replying, when it is constituted the author of *illegal, arbitrary*, and *violent acts*—acts in which, if they have been committed, the Government has had no part whatever, inasmuch as they owe their origin to authorities and private individuals, and those which have come to its notice have met with their merited displeasure and reprehension. Not one single act can be adduced in which the Supreme Government has manifested, even remotely, a disposition the least unfavorable to the preservation and extension of friendly political relations with foreign Powers; and on this account believes that it has not deserved these reproaches, nor that there should have been practised towards it a feeling of *indulgence* on the part of any of them, such as the Hon. Mr. Ellis ascribes to the President of the United States; a feeling which, in such cases, is degrading to the party in whose favor it is exercised. Even supposing that the claims of the citizens of the United States against the Mexican republic had acquired all that degree of certainty and justice necessary to deduce the obligation of the same to accord to them due satisfaction, if the Government has not denied such satisfaction, it does not merit the application of this spirit of indulgence or toleration: how much less, then, does it deserve the exercise of that spirit, when all such proofs are wanting in the reclamations in question, and when it has not resisted the adjustment of them! Hence it is that the Government of the undersigned has seen with surprise and regret these phrases and others in the note of the honorable chargé d'affaires of the United States, and, prompted by its own dignity, by its decorum, and by the national honor, it commands the undersigned to convey these sentiments to your excellency, and to state to you that the Government is now disposed, as it ever has been, to fulfil its obligations as prescribed by the law of nations and the special treaties which have been concluded by the republic, and as it has, in fact, fulfilled them in as many cases as have been presented. It will listen with pleasure to the reclamations which may be presented founded in justice, as those no doubt will be, to which the hon-

orable P. Ellis alludes, since the Government of the United States will have divested them of the exaggerations and falsities with which the parties interested are accustomed to surround them, and from the gratuitous charges of violence and arbitrariness which they attribute to the authorities and officers who, in the fulfilment of their duties, take care that the laws of their country are enforced with the most rigid and exact application.

The undersigned cannot conclude this communication without making, although with reluctance, the observation that the very frequent complaints and demands on the part of the citizens of the United States, could be much better alleged against them for the irregular conduct which, in many cases, they have practised in the prosecution of commerce. The contraband which they have been engaged in, especially in Texas, is notorious; and often protesting an ignorance which they could not have of the laws of finance, they have omitted the requisites, or documents exacted by these, thereby giving rise to the confiscation of their cargoes or vessels, to the imposition of fines and other penalties, against which they declaim without reason, because they are founded in justice, paying no attention to the truth that they ought to be subject to the laws, usages, and statutes of the country wherein they carry on their mercantile speculations—a measure natural in itself, and expressly provided for in the 3d article of the treaty of amity, commerce, and navigation.

It is not intended by this that the Government of the undersigned confounds in these inequalities all the citizens of the United States; it knows and is certain that there are many to whom no reproach whatever can attach, since they have demeaned themselves with every delicacy, honor, and circumspection, in all employments to which they have devoted themselves; nor much less must it be supposed that the Mexican Government throws out these ideas to form matter of reclamation against the Government of Washington, for it well knows that, from the conduct observed by the citizens of that nation, no responsibility can result to it, both because it cannot control the same, and because it has in no manner approved such conduct. These same considerations should operate towards that of the Mexican republic, as regards the misdemeanors which have been committed by citizens of that country; circumstances which ought not to be viewed by either the one or the other Government as indicating a disinclination to cultivate and extend their relations, nor as a neglect or an omission to impart to them that protection which they are bound to afford by the law of nations and the treaties which they have concluded. In p[illegible] of this conviction of the Supreme Government, the u[illegible]signed will remark, in passing, that not even the recent event touching the Mexican schooner Correo, was thought to have compromitted that of the United States; its reclamations were directed with a view of putting a stop to the scandalous proceedings of the authorities of New Orleans, towards a vessel of war belonging to a friendly nation, and Mr. Ellis well knows that, on the other hand, his Government abstained from all intervention in a most direct, clear, and undeniable insult, inflicted on the Mexican flag, because the subject was pending before the judicial power of that country. The undersigned protests that these applications are not adduced for the purpose of warding off satisfaction for the just reclamations which the Government of the United States may have against this: far from it; he has said, and he repeats, that the latter is ready to prove as much, and he has sought only to show that in these it has had no part; that in those which have occurred it has fulfilled its duties; and that, if it has not been more obsequious to the complaining, it was because the fundamental laws of the country have too well defined its powers, and hence it will be seen that it is unjust to blame the Government because these powers have not been extended so far as might be desired, in order to render more effective the protection which it owes to the citizens of friendly nations; but if these citizens do come into the republic, knowing its laws, and knowing also that they are to be subject to them during their residence in the country, both in their professions and speculations, it is so much the more unjust that the Government should be condemned for not being at liberty to proceed in any other manner than that specified in these same laws.

The undersigned has now replied to the note of the honorable P. Ellis, with such observations as he believed appropriate, and to all the points embraced in it, although important data upon some of them are wanting, yielding, as has been before said, to the urgency of his excellency, that he might receive a prompt reply. This urgency would have had nothing strange in it, if it had not been accompanied by an intimation that the honorable Mr. Ellis would retire from his public functions in case of not receiving a response as early as was desired. This was the more unexpected to his excellency the President *ad interim*, inasmuch as he did not deem a delay in the reply depending solely upon causes which the undersigned had already made known, a sufficient justification for such a step; and when he knew, on the other hand, that even the cabinet at Washington had not given any reply to the Mexican minister in those States up to the 4th of October, to notes which he addressed to it in the months of August and September, and upon subjects of the greatest importance to the interests of the two nations; but, be this as it may, the undersigned has complied with his duty, so far as it has been possible. He again offers to transmit to the honorable Mr. Ellis the result of the information and documents which he has called for, as mentioned in their respective places; and he avails himself with pleasure of this opportunity to renew to his excellency the assurances of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

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*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,
*Mexico, December 7, 1836.*

To his Excellency JOSE MARIA ORTIZ MONASTERIO,
*Acting Minister of Foreign Affairs.*

The undersigned, chargé d'affaires of the United States of America, has the honor to acknowledge the receipt of your excellency's note of the 15th ultimo, in answer to his of the 26th of September last past, in which your excellency states that it is necessary to establish a preliminary basis in reference to the true interpretation of the 14th article of the treaty of amity, commerce, and navigation, subsisting between the United States of America and the Mexican republic, before a final answer can be given to the various reclamations preferred against this Government. That article provides that "both the contracting parties promise and engage to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in their territories, subject to the jurisdiction of one or the other, transient, or dwelling therein, leaving open and free to them the tribunals of justice, for their judicial recourse, on the same terms which are usual and customary with the nations or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and the citizens of either party, or their agents, shall enjoy in every respect, the same rights and privileges, either in prosecuting or defending their rights of person or of property, as the citizens of the country where the cause may be tried."

That part of the treaty above quoted, it is alleged, provides for the redress of most of the complaints of citizens

of the United States against this Government in the judicial tribunals of the country, where alone they are properly cognizable, and which cannot now be made the subject of diplomatic discussion and arrangement between the two Governments.

It would seem, from the terms and spirit of the compact itself, that the acknowledgment of this right in the treaty, placing citizens of each nation on the same footing with natives in their courts of justice, was with a view to prevent the delays incident to an appeal to the Government of the injured party; but its admission, although under such high authority, cannot be considered as amounting to the extinction of all other modes of redress before existing in relation to the same subject. If such had been the intention of the contracting parties, they would so expressed themselves; and, in the absence of [illegible] itation of the kind, a fair and just construction of the [illegible]aty will leave no room to doubt the intention of the two Governments at the time of its execution. The first clause of the conventional law in question expressly guaranties special protection to the persons and property of the citizens of each other; with what reason, then, can it be said that the courts of the party from whom reparation is demanded, and which may refuse to award justice, shall be the exclusive judges of the injury sustained by the citizens of the other? It is the peculiar attribute of sovereign power to ask for redress from an offending nation, when there may be just cause of complaint, and to pursue such measures as the law of nations may allow in the vindication of its rights. If the language of that article confines citizens of the United States to seek protection in the judicial tribunals of the country, in certain cases, it would follow as a necessary consequence that their decisions would be final; the complainant could not look for redress beyond the ermine of the bench. He would have to submit to its judgments, however erroneous and unjust they might be; and, in that event, the courts of the Supreme Mexican Government would become the sole arbiter between the two Governments on all questions arising out of the infraction of treaty stipulations, in which the United States might feel it to be her duty to protect the commercial interests of her citizens. Such a doctrine, the undersigned is well persuaded, cannot be sustained either upon principle or precedent. It will be recollected that many of the claims now urged for adjustment arise out of the illegal seizure and condemnation of vessels and cargoes by the same tribunals to which your excellency is pleased to say we can alone resort for indemnification. To call upon the judges of these courts, under such circumstances, to reverse their judgments, and to declare to the world the errors in the rendition of their previous decrees, would be a useless waste of time; and if, as it appears, such a course is to be insisted on, it can be viewed in no other light than as a rejection of these claims by the Mexican Government. When a vessel is illegally seized by the officers of a Government, the injury is twofold: first, in relation to the individual injury sustained by all interested in the vessel and cargo; and, secondly, in relation to the right which the Government of the injured party has to make such seizure the subject of diplomatic inquiry and reclamation, if it shall be found that the proceedings had in the case are in contradistinction to the well-established principles of international law. If this be true, the decisions of the courts of Mexico cannot be held as final, inasmuch as the United States would thereby be precluded from the exercise of an unquestioned right of sovereignty to make investigation into all cases where complaints are made, to the end that she may extend her protection to those entitled to receive it. It is not contended that the Government of the undersigned claims the right to reverse the judgments of the courts of the Mexican republic; but if the property of her citizens has been seized and condemned in violation of the law and usages observed among all nations in their commercial intercourse with each other, it is her province, as it is her duty, to protect them in the enjoyment of their acknowledged rights. What has been the practice of other nations under similar circumstances? Many of the Governments of Europe have acknowledged the reclamations of the United States against them, without urging the pretension (now advanced by Mexico, under the 14th article of the treaty before cited) to avoid a just responsibility for spoliations committed by them on the commerce of a friendly and neutral Power. It is believed, in all the instances alluded to, citizens of the United States enjoyed the same privileges that those now resident in Mexico do, under treaty stipulations. Notwithstanding which, when they asked, through their Government, reparation for the wrongs inflicted upon them by those Powers, they were at no time referred to the judicial tribunals of the country, as the only means of obtaining redress, although in many of the captures then made, there was no final condemnation had; yet all such cases formed the subject of reclamation on the part of the United States, and were ultimately acknowledged as just. These impressions, which have been made upon the mind of the undersigned by a review of the question under consideration, have led him to the conclusion that the opinion expressed by the honorable Mr. Monasterio, which limits citizens of the United States, having certain claims against this Government, to a resort to the judicial tribunals of Mexico for indemity, is wholly indefensible.

In the case of John Baldwin, your excellency remarks that, whatever may have been the grievances borne by him, and however arbitrary the acts of the Mexican authorities, the party injured ought to have sought reparation for them, and [illegible]ent of his aggressions, before the proper tribunal[illegible]. The conduct of said Baldwin has not been so circumspect [illegible] regular as he has represented, inasmuch as [illegible] been instituted against him six criminal prosecutions in the court of Acayucan. As to the prosecutions alluded to, upon an examination of the records of the court where they were instituted, it appears that, in the year 1832, a criminal process was served on John Baldwin, as a smuggler of cochineal, by the collector of rents at Petapa. The judge before whom the action was brought, ordered his personal effects to be, in consequence, confiscated; but that functionary being declared incompetent to decide in the matter, it was removed to a legally constituted tribunal, where it was proven that Baldwin had fairly acquired the cochineal in question, and travelled with it in the most open and public manner. The accuser himself testified that he had seen Baldwin collecting cochineal; that his only ground of suspicion was the fact of having been informed that he had left Petapa, and taken the direction to Malpaso; and that he himself did not know that Baldwin had ever conveyed cochineal to Malpaso, with or without custom-house passes; nor was the circumstance of his alleged illegal trade established by any witness. The counsellor to whom the matter was referred, absolved the party accused from the charges preferred against him, and ordered a restitution of the embargoed effects. The judge of Tehuantepec confirmed this opinion of the counsellor, and ordered the junta-central of that place to reimburse the sufferer. A small portion of the effects only were returned. Availing himself of the law, which makes every individual member of such bodies responsible in such cases, Baldwin brought a demand for the balance of his goods against Juan Jose Salinas, the only one of the junta who was able to pay; but the influence and power of this person were so great as to prevent the judge from executing his sentence, and even to jeopardize the life of Baldwin, who, from considerations of personal safety, had to abandon the prosecution of his claim, and leave the country. Notwithstanding the result of the prosecutions at Acayu-

can, and the cruel and "scandalous proceedings" of the authorities at Guazacualco exercised towards this unfortunate individual and his family, (for the life of his wife was attempted by one of the soldiers snapping a pistol at her breast, while in the pursuit of Baldwin, in his own house,) and his acquittal from the false charges preferred against him, and the manifest inability of the civil authority to protect him, he is now, after a lapse of five years, to be turned over to these identical authorities, who have been the cause of all his sufferings, to redress his wrongs—although it is confessedly true that this Government is bound to protect the persons and property of all American citizens in the United Mexican States! The inability or failure of the judiciary to protect Baldwin, he having, in the first instance, sought satisfaction before that forum, cannot absolve this Government from its obligation to fulfil its duties in regard to a citizen of the United States resident in the country; and whatever may have been his indiscretions, he is liable to the penalties of the law for his improper acts; but they will not excuse, much less justify, his persecutions at Minatitlan and elsewhere.

In the case of the schooner Brazoria, the undersigned is happy to see a recognition of its justice. He would, however, beg leave to say, that the valuation of the vessel, at the time of her impressment into the service of the colonists of Austin, must be considered the standard of indemnity, and not the product of her actual sale, under an order of the Mexican Government, after she had been seriously damaged, during twelve months' service, in time of war.

In reference to the claim of Aaron Leggett, your excellency states that, after an examination of the case, it appears that, according to contract, and in virtue of the privilege granted to the steamboat of complainant, it was his duty to transport, gratis, national troops whenever required by the public service. From the third article of the decree of the Congress of Tabasco, bearing date the 18th of November, 1831, it will be seen that William H. Brown, "or those who exercise his rights and interests, (Leggett claims under Brown,) are under obligation to take on board such boats, troops, and correspondence of the nation to any navigable point of the State whatever, without any compensation: provided such troops are ready to march from the places whence any boat of those mentioned is to start, and it be on the same day of her starting." So soon as the grantee of the steamboat privilege in question fulfilled the precedent conditions required by the decree of Congress, his rights to the benefit of the law became vested, and no subsequent act of the State of Tabasco, or of the Federal Government, could deprive him of them without incurring the just responsibility of remuneration. The forcible seizure and detention of the Hidalgo, on the 2d of July, 1832, by order of the commandant general of Tabasco, and her employment in the public service until sometime in August thereafter, to the great detriment of her owner, were not warranted either by the letter or the spirit of the law conceding to Mr. Leggett the exclusive privilege to introduce and navigate all kinds of steamboats in all the rivers, creeks, and lakes, belonging to the territory of the State, for the term of ten years.

He was only bound, by the terms of the grant, to convey boats, troops, and correspondence to any navigable point within the State; *provided, however*, that the troops were ready to march on the day appointed for the sailing of the boat. This agreement to perform a particular service under limited restrictions, certainly gave no authority to take possession of the Hidalgo, and appropriate her exclusively to the use of the State. These proceedings have been injurious to Mr. Leggett; he had, under charter parties, contracted to load six or eight vessels with logwood at San Juan Bautista, in the months of June and July, in the year 1832; but was wholly unable to do so, in consequence of the seizure of the steamboat Hidalgo, the schooner Consolation, and the brig John, then engaged in freighting dye-woods from the interior to load said vessels. The supposed limited means of Leggett to accomplish this object, and to fulfil his contracts with others, though in the possession of his vessels, can in nowise justify the illegal acts of their seizure, whereby he was prevented from meeting all his engagements. The facilities afforded by the power of steam navigation, it cannot be doubted, would have enabled him to load and despatch all the vessels referred to in his memorial, had not the intervention of the superior power of the Government prevented it. This fact, it is believed, is clearly established by the statements of William A. Brown, José Leonardo and Francisco Abieu, and Cesario and Francisco Dominguez, all of whom state that the contracts for logwood entered into by Brown and Cohagan, on account of Leggett, called for the cuttings of 1831; and that there was a large quantity, some say fifty thousand quintals, on the banks of the rivers Usumacinta and St. Peter's, ready for delivery in June and July, 1832. Hence, it is evident he could have complied with his contracts to the woodcutters, and the injury arising from the failure to do so properly attached to those who prevented it, and they are, upon every principle of justice and equity, responsible for the same. From these statements, resulting from documentary evidence in the possession of this legation, it appears your excellency has misapprehended the true state of this claim, and the ground upon which reclamation is asked in favor of the memorialist. The justice of it is manifest, and the corresponding obligation of the Mexican Government to liquidate the same arises out of treaty stipulations, which never will be disregarded by a wise and just nation. It was so admitted by his excellency General Antonio Lopez de Santa Anna, soon after his elevation to the executive chair of the republic, who conveyed to the predecessor of the undersigned the expression of his regret that the condition of the public treasury was such as not to enable him to order the immediate reimbursement of the losses sustained by Mr. Leggett, as set forth in his memorial.

In the case of the brig Ophir, documents in this office satisfactorily prove that Captain Brittingham was provided with his general manifestoes; that it was the fault of the officer who boarded the vessel on her arrival they were not exhibited at the custom-house; and that they were produced as soon as practicable after the captain was made acquainted with their importance, and the necessity of their production, in order to save his vessel from condemnation. The very fact of the judgment of the inferior court (before which the cause was first brought) having been reversed, is sufficient proof of its injustice, and leaves clear the responsibility of this Government to indemnify the owners for the loss of time and property occasioned by its agents, who arraigned an innocent person upon charges which they were unable to establish.

As regards the "injurious and highly offensive protest" of Captain Britingham against the officers and employees of this Government, your excellency having been pleased to bring the subject directly to the notice of the cabinet at Washington, the undersigned will leave its arrangement to that authority.

The detention of certain American vessels at Matamoras in the month of April last, was in violation of the eighth article of the treaty subsisting between the two nations. But even in the absence of such a guaranty, the admission of your excellency that the port was closed by incompetent authority, is a satisfactory ground, upon general principles of maritime law, on which the reclamation for losses sustained by the owners can be maintained; and that they expect damages in the several cases of the brigs Jane and

Henry, the schooners Compeer and Nile, and the sloop Supply. The undersigned will suggest that he cannot admit the impressions of this Government as to whether or not the detention of said vessels was productive of injury, as the rule by which the question is to be decided; and that the fact of the embargo in question having extended to other vessels than those of the United States, does not legalize the act without admitting the corresponding indemnification due under such circumstances.

A condensed summary of the wrongs inflicted upon citizens of the United States, in the note of the undersigned of the 26th of September last, to which your excellency seems to think it will be unnecessary to make answer, without further specification, is nothing more than the imbodied substance of the cases previously referred to in that note—scarcely one of which has been satisfactorily answered by the Supreme Mexican Government.

Your excellency has taken occasion to state that the Mexican Government "cannot be indifferent to the crimination which is made in the note of the honorable P. Ellis," wherein it is constituted "the author of illegal, arbitrary, and violent acts." The undersigned cannot refrain from expressing his regret that the acting Minister of Foreign Affairs should have permitted himself to fall into this (no doubt unintentional) error. By a reference to that note, it will be seen that there is no such charge advanced against the Mexican Government; but it has been most unequivocally made against its officers; and the indisposition or omission of the constituted authorities here to check their aggressions on the rights of a neutral nation, have led to reclamation on the part of the United States, characterizing the acts of the offenders in terms suited to the nature of their delinquency. This is all that has been said; nor is he aware of its injustice, since it has not been shown that the alleged charge of the firing into the Paragon and Hannah Elizabeth, by officers bearing the commission of this Government, were not acts of violence inconsistent with the friendly relations existing between the two countries. These have been represented as such long since—the first on the 10th of August, 1834, and the other on the 30th of May last; and the reason assigned for the protracted delay in rendering a just response to the statements made touching these outrages is, that the appropriate department has not furnished the necessary documents for that purpose. Other cases, equally aggravated and injurious to the honor and interests of the United States, have not been noticed. Still it is urged, "not one single act can be adduced in which the Supreme Mexican Government has manifested, even remotely, a disposition in the least unfavorable to the preservation and extension of friendly political relations with foreign Powers!" It is not the wish or design of the Government of the United States to cast reproaches upon that of Mexico; nor can it, consistently with the uniform policy heretofore observed towards this country, admit the correctness of those imputed to it on the present occasion. The assurance given that Mexico is disposed, as she ever has been, to fulfil her obligations, as prescribed by the law of nations and special treaties, is received with that respect due to the high source from whence it emanates. But it may be with deference asked, if all the duties enjoined by such high sanctions have been fulfilled, why have not the numerous reclamations presented by the honorable Mr. Poinsett and Mr. Butler, for the last ten years, been favorably received, and acknowledged to be just, or rejected without delay? Surely all of them are not founded in the fraudulent practices of contrabrandists, who seek to advance their fortunes in violation of the laws of the country, and at the hazard of jeopardizing the peace and tranquillity of two friendly nations! It is not the intention of the undersigned to protect or justify any of his countrymen who have so far transgressed as to render themselves obnoxious to the laws of the country affording them protection during their temporary residence in it; but he cannot remain insensible to the charge made against them of being notorious smugglers: such is not the character of the American merchants in the United States; and it is wholly inconceivable how they should have fallen into such disgraceful practices at so early a period after their arrival within the limits of the Mexican territory. Charges of this kind have been repeatedly made in the public prints of this country: thus presented, they have been considered unworthy of notice; but when they are countenanced and indirectly sanctioned by the authority of the Supreme Government, conveying as they do the injurious imputation that the President of the United States, with a full knowledge of these facts, is urging claims founded in fraud and corruption, it becomes necessary, from a high sense of duty, to repel them as utterly unfounded. The remarks referred to were the more surprising, since the undersigned distinctly informed his excellency, the acting Minister of Foreign Affairs, in his note of September last on this subject, that he was instructed by the President of the United States to press these claims on the Mexican Government for final adjustment.

In speaking of the causes of complaint on the part of this Government against that of the United States, Mr. Monasterio has referred to the arrest and trial of Thompson and O'Campo, of the schooner Correo, as an "undeniable insult inflicted on the Mexican flag." In that case, it is well known the Government of the United States did not order the prosecution of Thompson and O'Campo. It is equally well known said Thompson was discharged by order of the district court of the United States for the eastern district of Louisiana, when the person who had him arrested for supposed piracies committed on American vessels, failed to prove the allegations brought against him. The schooner was at the same time restored to the Mexican consul in New Orleans.

The Correo was captured by a merchant vessel, the San Philipe, and taken to New Orleans, where Captain Hurd and others made oath that Thompson had attacked the San Philipe, with a felonious intent to rob said vessel, contrary to the provisions of the act of Congress of the 3d of March, 1825, and it therefore became the imperative duty of the district attorney of the United States to prosecute the person thus charged. If the court had proceeded to the condemnation and punishment of the accused, and the confiscation of his vessel, contrary to law and evidence, (she being regularly commissioned in the service of this Government,) there might be some pretext for an inquiry into the case, with a view to ask explanations of the United States. But this will not be said, as Thompson failed to produce such commission on his trial to give color of authority to his acts. Hence it is, as the national character of the vessel was not established by adequate proof, there could be no ground for interference on the part of your excellency in favor of one who had thrown himself beyond the protection of the law of nations, in his attack on the San Philipe, and much less could the President of the United States be called on to interpose and screen him from the penalties of the law. No nation has a right to call on another to respect her flag in the person of an individual sailing on the high seas without suitable papers to show his true character, after he has been captured for a violation of the neutral rights of others. But, admit for a moment that the commander of the Correo bore a commission from the Mexican Government; yet the flag raised by virtue of such authority gives no protection to him, if his acts are piratical. It is true he was discharged—not acquitted; and it appeared on the trial that his conduct had not been of such a character as to entitle him to the favorable consideration of the jury, some of whom entertained the opinion that he had been guilty of piratical practices, and ought to be punished; but the interposition of the authority of the judge set the offender at liberty. It can-

not, then, be well conceived upon what principle his trial, discharge, and restoration of his vessel, can be urged as an insult to the Mexican flag.

Your excellency requests that a full statement of all claims on the part of citizens of the United States may be presented for consideration; but from the manner in which those already in the possession of this Government have been disposed of, the undersigned can see no good likely to result from such a course. If those that might be presented should be all acknowledged as just, yet, so long as the several cases of unprovoked and inexcusable outrage inflicted on the officers and flag of his country, which have been heretofore submitted to the Mexican Executive, remain unsatisfactorily answered, he would have but one course to pursue; nor could he find himself justified in departing from it, when he remembers, in connexion with the past, the recent occurrences at Vera Cruz in the seizure of the American brig Fourth-of-July, and the re-appointment of the former commandant general of Santa Anna de Tamaulipas to an important military post. The first was in disregard of every principle of public law; and, in the second, it cannot have been forgotten that that functionary was but lately removed from office for his arbitrary imprisonment of an officer and boat's crew of the United States cutter Jefferson, with a promise (as one of the express conditions had in the arrangement of the affair) that further and exemplary punishment should be visited upon the offender. Instead of punishment, he has received reward. With all these facts before him, the undersigned entertains no hope of a satisfactory adjustment of the questions in controversy between the United States of America and Mexico. He has patiently waited three weeks for some evidence of a more favorable disposition to render justice to his injured country, but he has waited in vain; and, whatever may be the consequences, he now feels it to be his duty, in compliance with instructions, to request that his excellency the President *ad interim* will be pleased to furnish him with the necessary passports to leave the Mexican republic, and that suitable orders may be given for a guard to protect him on the road to Vera Cruz.

The undersigned profits of this occasion to tender to his excellency, the acting Minister of Foreign Affairs, the assurance of his high and distinguished consideration.

POWHATAN ELLIS.

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*Mr. Ellis to Mr. Monasterio.*

Legation of the U. States of America,
*Mexico, December* 22, 1836.

The undersigned, chargé d'affaires of the United States of America, has the honor to inform your excellency that he will take his departure from this capital on Monday morning next, at four o'clock A. M., for Vera Cruz; and requests that his excellency the President *ad interim* of the Mexican republic will be pleased to furnish him with his passports on the 24th instant, and that orders may be given for a suitable guard to escort him on the road to his destination.

The undersigned begs leave to renew to his excellency José Maria Ortiz Monasterio, the acting Minister of Foreign Affairs, the assurance of his most distinguished consideration and high personal esteem.

POWHATAN ELLIS.

To his Excellency Jose Maria Ortiz Monasterio,
*Acting Minister of Foreign Affairs.*

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*Mr. Ellis to Mr. Forsyth.—Extract.*

Legation of the U. S. of America,
*Mexico, December* 23, 1836.

Sir: I do myself the honor herewith to transmit a copy of the correspondence between his excellency, the acting Minister of Foreign Affairs and myself, in the case of the American schooner Bethlehem, seized at Campeche; also, Mr. Monasterio's reply to my note of the 15th of September last, in the case of the schooner Peter D. Vroom; also, that to my note of the 20th of September, in the case of the brig Aurora; and, also, a reply from the same to my note of the 9th of September, in the case of William Hallet and Zalmon Hull.

I have the honor to be, with the greatest respect, your obedient servant, POWHATAN ELLIS.

Hon. John Forsyth, *Secretary of State.*

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*Mr. Ellis to Mr. Monasterio.*

Legation of the U. S. of America,
*Mexico, November* 14, 1836.

The undersigned, chargé d'affaires of the United States of America, has the honor to represent to your excellency that it again becomes his duty to notice an aggression on the flag of his country by the authorities of the Supreme Mexican Government.

The American schooner Bethlehem, S. H. Moore, master, with a cargo regularly despatched from the Balize, Honduras, for Tampico, was forced by want of water and provisions, towards the close of August last, to put into the port of Campeche. Whilst proceeding thither, she was, on the 2d of September, boarded by Captain Thompson, of the Mexican navy, who took possession of the schooner, and sent her master, crew, and papers on board the flag-ship of the Mexican squadron in the Gulf of Mexico. They were there detained (some of the sailors in irons) until the 22d of the same month, when the master and crew were released from their imprisonment; but the papers were retained by the commander of the squadron. On the landing of Captain Moore, he was notified by an escribano that his vessel had been condemned by the district court to be confiscated, and he to be banished five years from the trade. The schooner is now in the use of the Mexican squadron as a store-ship. These proceedings were had without the party accused (the master) being present at his trial, or informed of the charges alleged against him, or heard in his defence either personally or by counsel; and he was, both before and after his trial, refused a copy of the *espediente* which had been drawn up against him, and which purported to contain the grounds upon which his own and his vessel's condemation were based.

The undersigned requests that your excellency will be pleased to order a copy of all the judicial proceedings had in this case to be furnished to the parties interested; that you will further institute an investigation as to the legality of these proceedings; and that, if they be found erroneous, you will cause the vessel, her cargo, and papers, to be forthwith delivered over to the master, with equitable damages for their detention.

The undersigned again presents to your excellency the assurance of his personal esteem and consideration.

POWHATAN ELLIS.

His Ex. Jose Maria Ortiz Monasterio,
*Acting Minister of Foreign Affairs.*

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*Mr. Monasterio to Mr. Ellis.*

[Translation.]

Palace of the National Government,
*Mexico, November* 17, 1836.

The undersigned, chief clerk, acting Secretary of Relations, has the honor to inform the honorable Powhatan Ellis that, with a view to a convenient decision upon the matter, he has referred to the Minister of Justice his note of the 14th instant, relative to the transaction at Campeche,

in which the North American schooner Bethlehem was concerned. The undersigned will communicate the result to your excellency, and meanwhile offers assurances of his very distinguished consideration.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. Powhatan Ellis,
*Chargé d'Affaires of U. S. of America.*

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*Mr. Monasterio to Mr. Ellis.*

[Translation.]

Palace of the National Government,
*Mexico, November* 21, 1836.

The undersigned, acting Minister of Foreign Affairs, has the honor to announce to the Hon. Powhatan Ellis, that he has received through the Department of Justice the corresponding information in the case of the American schooner *Peter D. Vroom*, which formed the subject of the note addressed by the honorable Mr. Ellis to the undersigned, under date of the 19th September last. The relation therein made, so far as regards the incidents touching this vessel, corresponds to that which appears from the information aforesaid, but differs in the aspect under which the conduct observed by the mercantile tribunal at Vera Cruz is represented, as well as that observed by the consul of the United States at that port. A formal abandonment of the cargo having been made by Mr. Crecencio Boves, to whom it came consigned, the tribunal, in the fulfilment of its duties, ought to have proceeded, and in fact did proceed, to name a person to take charge of the same, with power to effect a sale, and deposite its product in favor of the owners or insurers of the vessel; and the consul aforesaid ought to have co operated in such measures, since it is to this that his functions are limited, in cases of this nature. The nomination of this person as depositary, would not have been made if there had been any other possessed of powers of agency from said owners or insurers: the consul had none such; consequently this charge could not fall upon him; and this it is that has given rise to the complaint advanced by the honorable Mr. Ellis; but he will now see that the tribunal, without this requisite, could not grant to the consul the deposite of the cargo, as he demanded; since, from his consular character alone, it was not competent to him; and that he was not provided with the necessary powers, is very clear, since he confessed from the beginning that he neither knew nor could he conjecture who were the insurers of said vessel, nor were they afterwards presented, because, although he had a private letter from the captain of the same, Mr. E. F. Kelly, it was for another object, and to be used after the sale of the effects saved from the wreck of the *Peter D. Vroom*. It results from this exposition, that the consul of the United States had no right to ask that he should be intrusted with the deposito and management of the cargo in question; that the mercantile tribunal of Vera Cruz denied his request, founded precisely upon the orders of the Supreme Government of the 26th of August and 4th of October, 1831, which the honorable Mr. Ellis quotes, inasmuch as these grant to foreign consuls an intervention in the proceedings, but not the management of the interests and commission in cases like that referred to; and that, not being the legal attorney of the parties interested, he pretended to a thing which he might have well supposed would not be granted, because of its being contrary to the legal provisions in the case.

The consul in question ought therefore to have confined himself to the exercise of his functions, without seeking to represent another character which does not belong to him; but very far from this, seeing that the tribunal would not grant it to him, he positively refused to comply with them, for all the exertions which were made to obtain his consent and co-operation in the acknowledgment of the court-record of the sale, &c., proved ineffectual. In this he has committed a fault, which, without doubt, will be reprimanded by the honorable Mr. Ellis, taking proper precautions that he shall not repeat the same, and that he shall conform to the duties which are prescribed for him, without abandoning them for inappropriate and unfounded pretensions.

That now referred to was unquestionably such, as has been already shown, and as the honorable chargé d'affaires of the United States will be convinced, by the simple fact that the consul at Vera Cruz was not the lawful representative of the owners or insurers of the schooner *Peter D. Vroom*, inasmuch as he could not exhibit the power which accredited him as such, or if he should now do so, it could not justify his course at the proper time before the tribunal who had cognizance of the affair—in which only case, except he had been admitted as the representative, could he have reason to complain of their proceedings.

The undersigned, before concluding this note, ought to call the attention of the honorable P. Ellis to a representation which has been addressed to the Supreme Government, with the respective justification, by Mr. Crecencio Boves, the consignee of the schooner *Peter D. Vroom*, complaining that the consul of the United States in Vera Cruz had refused to furnish him with a copy, as he ought to have done, of the protest made in his office upon the wreck of the same, by her captain, Mr. E. F. Kelly; and as this negative cannot be founded in any reason of justice because of its being a document which it was not at his option to withhold from the legitimate party, as is Mr. Boves, and whatever may have been the differences between the said consul and the mercantile tribunal at Vera Cruz, with respect to the cargo of said vessel, his excellency the President has seen with much regret this resistance, which so seriously affects the interests of a Mexican, and he therefore promises himself, from the justice of the honorable Mr. Ellis, that he will be pleased to instruct that functionary to proceed without delay to make out the certificate in question.

The undersigned improves this occasion to renew to the chargé d'affaires of the United States of America the assurances of his very distinguished consideration and esteem. JOSE MARIA ORTIZ MONASTERIO.

To the Hon. Powhatan Ellis,
*Chargé d'Affaires of the United States of America.*

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*Mr. Monasterio to Mr. Ellis.*

[Translation.]

Palace of the National Government,
*Mexico, November* 30, 1836.

The undersigned, chief clerk, acting Secretary of Relations, has received a communication from the Minister of Justice, relative to the occurrence at Campeachy, with respect to the American brig *Aurora*; whence it appears that the consul of the United States at that port caluminated the district judge of Yucatan, by assuring the honorable Powhatan Ellis that the judge, upon his demand thereof, had refused him a copy of the judicial proceedings in relation to the said vessel; for they were delivered at his request when the suit was scarcely commenced, although there is a law which provides that the parties concerned shall not receive such papers which they may ask for until the cause shall be concluded. The papers referred to were given to the consul too, notwithstanding his petition for them was not couched in the language of the country or written upon the proper stamped paper, which formalities are indispensable in the courts of the country, and are binding as well upon foreigners as Mexicans: but the judge of the district dispensed with them on this occasion in favor of the American consul, through abhorrence of disagreeable disputes, although aware

that the admission of such informal petitions was without a precedent, and unknown in practice.

The copy in question having been, therefore, ready since the 4th of May, of the present year, and the consul aforesaid having been advised that it was at his disposition, the honorable Mr. Ellis will now see the want of truth with which that functionary has complained to his excellency against the judge of the district for having denied the same, thereby inducing the belief that an infraction of the treaty existing between this republic and the United States of America had been committed. What is certain is, that the consul refused to receive the copy alluded to, leaving it in the office of the clerk of the court, and refused to pay the respective charges, saying that it could avail him nothing, because the trial was not concluded, and that as soon as it was, he would ask for a complete copy of all the proceedings. These double dealings on the part of that functionary, the insulting protest which he addressed to the judge of the district, as the latter has informed the Supreme Government, and the wantonness with which he blames and criminates the authorities, without the least foundation, as is seen in the present case, oblige his excellency the President *ad interim* to request that the honorable Mr. Ellis will convey to him the expression of that just disapprobation which his conduct merits, and take such measures as will prevent a repetition of it, and cause him to conduct himself in all future transactions with that harmony and co-operation which are so necessary, and from which he has so unfortunately deviated, as appears from this exposition, and as the undersigned informed the honorable chargé d'affaires in his note of the 30th of May last, referring to this same subject of the brig Aurora.

The undersigned, in making this communication to the honorable Mr. Ellis, as resulting from that which he addressed to the undersigned on the 20th of September last past, has the honor of renewing to him the assurance of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. Powhatan Ellis,
*Chargé d'Affaires of the U. S. of America.*

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*Mr. Monasterio to Mr. Ellis.*

[Translation.]

Palace of the National Government,
*Mexico, December* 13, 1836.

The undersigned, chief clerk, acting Secretary of Relations, has the honor to inform the honorable Powhatan Ellis that General José Urrea, of whom information was requested relative to the arrest at Matamoras, in February last, of William Hallett and Zalmon Hull, citizens of the United States, has made the communication, a copy of which is annexed for Mr. Ellis's information by the undersigned, who adds, that, as this intelligence does not fulfil the wishes of the Supreme Government, with regard to an explanation of the acts in question, a more circumstantial account has been required of the commandant general of that department; the result of which requisition the undersigned will transmit to the honorable chargé d'affaires of the United States of the North, to whom he renews the assurances of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. Powhatan Ellis,
*Chargé d'Affaires of the U. S. of America.*

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*Mr. Tornel to Mr. Monasterio.*

[Translation.]

Department of War and Marine,
*Mexico, December* 6, 1836.

His excellency General Joseph Urrea, in an official note of the 4th instant, reports to me as follows:

"Excellent Sir: Night before last I received your excellency's note of the 29th November last, with the accompanying representation relative to the complaint made by the chargé d'affaires of the United States of the North, in consequence of the arrest of the persons of William Hallett and Zalmon Hull, at Matamoras, on the 17th February of the present year; and in compliance with the call which your excellency has been pleased to make upon me, I report the following touching that transaction:

When I arrived at Matamoras with the division which I commanded in the campaign of Texas, I was assured that the greater part of the citizens of the United States of the North, resident in that city, were in alliance with those who in Texas had declared war against the Mexican nation, and that in consequence they were in the habit of transmitting to the enemy such information of our forces, proceedings, &c. as they might deem acceptable. Finding myself in a situation to prevent this evil, I took such precaution as it was my duty to take in order to do so. The division under my command was about marching upon Texas, and I had been informed that the North Americans were preparing to give notice to the enemy of my departure from Matamoras, the force which accompanied me, and all else that they might think worthy of communication to them. On the same day of the 17th February before cited, the forces under my command marched from Matamoras with the object of meeting Doctor Grant, who, with a portion of the enemy, had approached within twenty leagues of that city, and whilst making dispositions for their departure, I was informed by an officer that some strangers had that moment left for Texas. With the consent of the commandant general of those departments I ordered that an officer and a detachment of four dragoons should keep themselves on the watch, and apprehend said strangers on their departure from the city aforementioned. In fact, it was observed that two of them did leave the city, and present themselves on its outskirts, in front of the detachment; they instantly fled, and attempted to escape; the troop followed and apprehended them in a house which they had entered. They reported to me what had occurred, and gave me some papers and despatches which the prisoners had with them. I communicated the whole to the commandant general aforesaid, placing at his disposition the two men who had been arrested. It presently appeared that one of them was provided with a passport for his journey, from the military commandant of the plaza; all his papers were immediately returned to him in the same state in which they had been taken from him. The dragoons had secured some beasts which were found in the yard of the house in which the strangers were apprehended, fearing that they might escape upon them; these were returned by my order as soon as I was informed of the circumstance. After the whole of the business was over, we ascertained that the house in which the strangers aforesaid had been arrested, was that occupied by the consul of North America in Matamoras, who addressed an official note to the commandant general upon the subject. I marched for the campaign, and do not know the result. I will, however, add that, on my departure from Matamoras, knowing that two or three foreigners who had left that city by the way of Brazo de Santiago, leaving their route, had taken that to San Patricio, the point then occupied by the enemy, I despatched a party of dragoons in pursuit of them, and upon their being apprehended it was found that they had passports from the military commandant, Colonel Mariano Guerra, but these were to allow their passage to the cities of Regnosa and Camargo, a route entirely different from that which they were pursuing.

I submitted them to due examination, and some suspicious circumstances having turned up, I sent them also to Matamoras, to be placed at the disposal of the commandant general for such purpose as he might think fit. This

is as much as I can inform your excell[illegible]pon the subject, and, returning the statement of the affair, I have the honor to renew to you the assurance of my esteem."

And I have the honor to transcribe it for your excellency, agreeably to what I informed you on the 29th ultimo, in relation to your official note of the 2d of the same month.

God and liberty. TORNEL.

*The Acting Minister of Foreign Affairs.*

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*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE UNITED STATES OF AMERICA,
*Mexico, December* 27, 1836.

SIR: Enclosed I forward for your information copies of two notes from Mr. Monasterio, the acting Minister of Foreign Affairs, addressed to this legation, one under date of the 21st instant, touching the withdrawal of Mr. Gorostiza from Washington city with his legation, and the other of the 24th, in reply to my note of the 22d of the same month, requesting to be informed of the causes which have led to my proposed departure from the Mexican republic. After my long correspondence with this Government (a copy of which has already been forwarded to the Department of State) on the various subjects embraced in your instructions of the 20th of July last past, I can view such an inquiry in no other light than as an uncorteous refusal of my passports, and therefore deem an answer to it unnecessary. I shall leave here to-morrow morning on my way to Vera Cruz, and will avail myself of the earliest opportunity to reach Washington city.

With undiminished respect, I have the honor to be your obedient servant, POWHATAN ELLIS.

Hon. JOHN FORSYTH,
*Secretary of State, Washington city.*

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*Mr. Monasterio to Mr. Ellis.*

[Translation.]

PALACE OF THE NATIONAL GOVERNMENT,
*Mexico, December* 21, 1836.

The undersigned, acting Minister of Foreign Affairs, in compliance with orders which he has received from the excellent President ad interim of the republic, has the honor now to address Mr. P. Ellis, chargé d'affaires of the United States, in order to inform him that the Mexican Government, after having heard attentively D. Manuel E. de Gorostiza, late envoy extraordinary and minister plenipotentiary of this republic in said States, and after having examined frankly and impartially all the correspondence which passed between that gentleman and Messrs. Forsyth and Dickins, in consequence of the violation of the Mexican territory by the troops under the command of General Gaines, cannot but coincide in every respect with what that envoy has done in resisting so uncalled for an offence; and it has, therefore, approved, as he has done, his withdrawal from Washington, with his legation, because of having been convinced that he could not obtain that just satisfaction which he demanded, notwithstanding he urged every argument and observation which reason and right could suggest.

The Mexican Government had nevertheless desired, before acting in a definite manner upon the conduct observed by its envoy in Washington, that Mr. Ellis should have previously given those explanations which were promised in the note of Mr. Dickins to Mr. Gorostiza of the 20th October last, the only object of which, on the part of the United States, should have been to prevent, from the beginning, all possible misunderstanding in so grave a matter. The Mexican Government has, therefore, awaited in silence, and for the space of many days, the corresponding communication from Mr. Ellis, flattering itself that in it would be found at last new and positive assurances that the United States have never desired, nor do they now desire, to offend voluntarily nor really to injure a neighboring nation, who has been wanting in nothing to them. Unfortunately, Mr. Ellis has not thought proper thus to act up to this time; and the Government of the undersigned cannot longer delay awarding to Mr. Gorostiza that act of justice which it owes to him, in relieving him from the weight of responsibility which he has taken upon his own shoulders.

The undersigned can, with truth, assure Mr. Ellis that his Government has not only been always ready to receive the promised explanations upon this particular, but it has moreover desired, with as much anxiety as sincerity, that they might be of the most friendly and equitable nature.

The undersigned improves this occasion to renew to Mr. Ellis the assurances of his very distinguished consideration.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,
*Chargé d'Affaires of the U. S. A.*

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*Mr. Monasterio to Mr. Ellis.*

[Translation.]

PALACE OF THE NATIONAL GOVERNMENT,
*Mexico, December* 24, 1836.

The undersigned, acting Minister of Foreign Affairs, received yesterday, at half-past two o'clock in the evening, the note of the honorable Mr. P. Ellis, dated the 22d instant, in which he asks his passport in order to depart on Monday morning next, from this capital, in the direction of Vera Cruz; and having given an account of it to his excellency the President *ad interim*, he cannot but be surprised that the honorable Mr. Ellis should intend leaving this republic with so much impetuosity, (*con tanta violencia,*) and more particularly when he does not distinctly understand the motive for such a determination.

Because of this, and the step which Mr. Ellis proposes to take being of so much transcendency and importance, which would naturally affect the relations between the Mexican republic and the United States of America, his excellency desires that the honorable Mr. P. Ellis will be pleased to state, definitely, what are the causes which have prompted him to ask his passport, thereby putting an end to the mission with which his Government has intrusted him—to the end that the responsibility which is thus attempted to be thrown upon the Mexican nation may, in all future time, attach to its proper source.

The undersigned has the honor to renew to the honorable charge d'affaires of the United States of America, the assurance of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,
*Chargé d'Affaires of the U. S. of America.*

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*Mr. Monasterio to Mr. Ellis.*

[Translation.]

PALACE OF THE NATIONAL GOVERNMENT,
*Mexico, December* 27, 1836.

The undersigned, chief officer charged with the affairs of the Department of Relations, has received orders from his excellency the President, to address the honorable Mr. P. Ellis, chargé d'affaires of the United States of America, in order to communicate to him that the note which the undersigned sent to Mr. Ellis, under date of the 24th instant, arose from the desire, most naturally entertained by his excellency [illegible] investigate the real motives which induced that gentle[illegible] to resolve to return to his country, leaving

undetermined the important questions now at issue between the two nations.

The silence maintained by Mr. Ellis in leaving that note unanswered, as well as another of the 23d instant, in which the undersigned declared that the Mexican Government was ready to receive the satisfaction which the Government of the United States offered to Mr. Gorostiza, to give through Mr. Ellis himself, induces his excellency to suppose that Mr. Ellis persists in his resolution to depart, and with that view considers his relations with the undersigned as suspended. Under this impression, his excellency orders the undersigned to inform Mr. Ellis that, unless some answer shall have been received from that gentleman, by six o'clock this evening, the passport which he has requested shall be sent to him, and the escort will be ready to accompany him for his protection, and to repeat to him, in the name of the Mexican Government, the assurances which it has on all occasions given of its consideration for the United States, and for its representative in this capital.

The undersigned avails himself of this opportunity to renew to the honorable Mr. Ellis the assurances of his own particular esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. Powhatan Ellis,
*Chargé d'Affaires of the U. S. of America.*

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[Received at half past 7 o'clock in the evening of the 27th December.]

*Mr. Monasterio to Mr. Ellis.*

[Translation.]

Palace of the National Government,
*Mexico, December* 27, 1836.

The undersigned, chief officer charged with the affairs of the Department of Relations, conformably with what he had the honor to state to the honorable Powhatan Ellis, in his note of this morning, not having up to this moment (7 o'clock in the evening) received any reply to the various notes despatched, transmits, herewith, to Mr. Ellis, the passport which he had requested, and the orders for the supply of the escort which may be requisite for the security of his person on the journey; informing him, at the same time, that the escort which is to accompany him on his departure from this capital will be ready at such time and place as Mr. Ellis may indicate to the commandant general.

The undersigned has received orders from the President to announce to Mr. Ellis that the Mexican legation near the Government of the United States has been ordered likewise to retire.

The undersigned repeats to the honorable Mr. Ellis the assurances of his particular esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. Powhatan Ellis,
*Chargé d'Affaires of U. S. of America.*

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*Extract of a letter from Mr. Burrough, United States consul at Vera Cruz, to Mr. Ellis.*

Vera Cruz, *January* 10, 1837.

I have to inform you that, in pursuance of your instructions to receive and transmit to the Department of State all despatches, &c., that might arrive at the post office of this city to the address of the United States legation, Mexico, I addressed a note to the administrator of the office, in anticipation of despatches being received by the packet daily expected from New York, requesting, as per instructions, that they might be delivered at this consulate, which he has denied me. I shall make another application on their arrival, and, if then withheld from me, I can but enter protest against the act.

*Depositions of the American seamen imprisoned at Vera Cruz.*

Consulate of the U. S. of America,
*At Vera Cruz.*

Depositions of John Williams, Henry Habest, Samuel Long, Nathaniel Groves, Samuel Molden, Richard Freeman, James Hover, and John Davis, seamen of and belonging to the United States ship Natchez, William Mervine, Esq., commanding, and constituting a boat's crew imprisoned at this place on the 2d day of November, 1836.

*John Williams*, aged 26 years, a native of Hamburg, being duly and solemnly sworn, did depose, declare, and say as follows: That he, with Henry Habest, Samuel Long, Nathaniel Groves, Samuel Molden, Richard Freeman, James Hover, and John Davis, seamen, and two stewards, under charge of Midshipman Renshaw, of and belonging to the United States ship Natchez, commanded by William Mervine, did, on the 2d day of November, set out and depart from the said ship for this place, in the third cutter, and where they arrived at about 11 o'clock in the day. Hover being left in charge of the boat, the rest of them took a walk into the town, and got something to drink—received orders from Mr. Renshaw not to be out of the way. Steward gave them two shillings, which was expended in liquor, and divided among them. Mr. Renshaw coming to the mole, and on being asked to give them something to warm them, handed one one of them two shillings, and told them not to get drunk upon it. Deponent and Habest went to the plaza to purchase a glass of grog for the boat's crew, and on returning to the mole Habest was attacked by a fisherman, who insisted on fighting him. Deponent used his exertions to get him away, but a person standing by, who spoke English, said, "let them fight, and give them fair play." Samuel Long and Richard Freeman came up, and the latter remarked that if one fought, all must fight. Finding themselves surrounded with a disparity of numbers, about to assault them, and having no arms with which they could defend themselves against the force that was collecting, armed with clubs, stones, and knives, Freeman and Long retreated to the boat, and got the two boat hooks. Deponent was also proceeding to the boat, when he was struck with a cutlass over the back by one of the soldiers, several of whom had now arrived on the mole, (deponent had not raised his hand against any one.) He was likewise struck with a large stone thrown by one of the soldiers, (as he believes,) whilst standing at the boat, which nigh felled him to the ground. Mr. Renshaw had now arrived at the mole, and ordered deponent and the rest of them into the boat, and into which all at once got that were able so to do, for by this time two of the boat's crew had been badly wounded by the soldiery or other persons of the country, and were lying upon the mole. The Mexican soldiery stood over those in the boat with their muskets directed at them; and among whom were also observed several officers with swords in hand. The officer of the boat begged them not to fire upon his men, and at the same commanded them all to sit down and keep quiet. After some little time had elapsed, they were all ordered out of the boat, and conducted to the guard-house, where they remained in confinement until the next evening. They were now—all except the wounded, who were carried to the hospital—conveyed to prison, at the south end of town, and there placed in a wet room, without bed or bedding of any kind, and supplied with barely enough to keep them alive, with a sentry constantly over them.

After the lapse of about two weeks they were taken out, and examined by a Mexican officer and the interpreter of the port. Deponent subscribed his name to a paper on this occasion, which, he was informed by the interpreter was a

translation of what he had said, but which deponent is not satisfied was in accordance with his declaration made in English at the time, and which he now repeats.

The examination being gone through with, they were permitted to go out into the yard with the native prisoners. On the 25th day of November they were taken out and delivered to the American consul.

In testimony whereof, the said deponent has hereunto set his hand, this 17th day of December, A. D. 1836.

JOHN WILLIAMS.

Before me, M. BURROUGH,
*Consul United States.*

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*Henry Habest*, aged 35 years, a native of Germany, being duly and solemnly sworn, did depose, declare, and say as follows: That he is one of boat's crew of the United States ship Natchez, and who set out from the said ship in the 3d cutter, under charge of Midshipman Renshaw, on the morning of the 2d day of November, and arrived at the mole of this city at about 11 o'clock in the day; and all of them being wet and cold, Mr. Renshaw gave them some money, with which they got half a bottle of rum. Mr. R. left the boat in charge of Hover, the boxswain, and the rest of them walked to the plaza. Deponent there saw Mr. R. purchasing a hammock, which was given to him to carry to the boat; and on passing the gate, a fisherman came up to him and tried to take it from him, but which he placed in the boat. Deponent left the boat for a short time, and on returning, was a second time assailed by the fisherman, (a negro fellow,) who would not let him pass to the boat. Deponent pushed him aside, (but did not strike him,) and went down towards the boat; but before he had time to reach it, was knocked down by a soldier, who struck him with a musket over the head. His knife was now taken from his pocket, and the cord divided by which it was fastened round his neck, and in cutting which the soldier gave him a wound on the face. On recovering his senses, and when in the act of rising up, to crawl to the boat, he was again knocked down with a large stone thrown by a soldier, and which struck him upon the knee-pan, the same being already fractured. He was also several times kicked in the side by the soldier, whilst lying upon the mole and unable to rise. Deponent was supported by two men to the guard-house, where he was placed in confinement with the others. At 5, P. M., he and Samuel Long were taken out and conveyed to the hospital by a guard of soldiers, where they remained till they recovered.

On the 13th of November, they were called up and examined by an officer and the interpreter of the captain of the port. Deponent signed some paper at this time, which he was told to do, being informed that it was his declaration translated into Spanish, but which he thinks might not have been committed to paper as expressed, inasmuch as the interpreter made several mi takes in it, as he, deponent stated at the time. Soon after being examined, deponent, with the rest of the sick, was sent to the prison in which their shipmates were confined, and where they remained till the 25th of the month, at which time they were brought out and delivered in charge of the American consul.

In testimony whereof, the said deponent has hereunto subscribed his name, at the city of Vera Cruz, this 17th day of December, A. D. 1836.

HENRY HABEST, his × mark.

Before me, M. BURROUGH, *C. U. S.*

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*Samuel Long*, aged 23 years, a native of Europe, of and belonging to the United States ship Natchez, left the said ship in the 3d cutter, with seven other seamen and two stewards, under charge of Midshipman Renshaw, on the 2d day of November, for the city of Vera Cruz, ship then lying at anchor off the island of Sacrificios, being duly and solemnly sworn, did depose, declare, and say as follows: That, on the passage up, they became very wet and cold. The officer of the boat accordingly promised them a drink of grog when they arrived. On reaching the mole, Hover was left in charge of the boat, and the rest of them, by the consent of Mr. Renshaw, took a walk into the plaza, where they procured half a bottle of liquor with twenty-five cents given them by Mr. R. This they took to the boat and drank among them. The boat was now left in charge of Davis, and deponent went to assist the steward in getting marketing to the mole; after which he took charge of the boat. Habest soon brought a hammock down by order of Mr. Renshaw, who now returned to the mole, and asked them if they were all sober, and told them that he was going off in a few minutes, (immediately,) and went up to the consul's. Deponent and Richard Freeman were standing near the boat, when the former said to the latter, "we will go on the other side of the mole and look at the fish they are catching." They accordingly went and picked up one of the fish to examine it, and then returned to the boat; and whilst they were there, Williams informed them that Habest was about to get into a fight with a fisherman. They went to Habest at the upper end of the mole, where he was engaged in a quarrel with a negro, and who was standing before him in an attitude of defence. Some gentlemen who stood near them said, let them have fair play—one at a time. Deponent, however, not wishing to see a fight, stepped in between Habest and the negro; at which moment a soldier coming up struck Habest several times over the head and shoulders with the broad-sword. Deponent was now pushed down in the crowd, and, on recovering himself, and in the act of going to the boat, was struck across the back with a cutlass by a soldier. Finding himself thus assailed, he and Freeman ran to the boat, and got each a boat hook to defend themselves against the soldiery and others by whom they had been attacked. But, before deponent had an opportunity of using his hook, he was struck over the back by a corporal with a broad-sword. He now made a pass at the corporal, and at the same moment was knocked down, either by a stone or some other missile, and from that period does not recollect any thing further that occurred, till he found himself in the guard-house. The same evening he was conveyed to the hospital with Habest, who was also badly hurt. After a fortnight or so, deponent was examined by a Mexican officer, with an interpreter. His declaration was subscribed by him, agreeably to the order of the interpreter, and who stated that it was a translation of what he had said in English; but deponent, not understanding Spanish, the language into which the translation was made, is not prepared to say whether or not it was a true translation.

The said deponent was now sent to the prison where the others were confined, and there remained until the 25th of November, at which time they were released and delivered over to the consul of the United States.

Deponent did furthermore declare that the quantity and quality of the food given to them whilst in prison was scarcely sufficient to sustain life, and that they were obliged to sleep on a cold and damp brick floor, without bed or bedding of any kind being allowed them.

In testimony whereof, the said deponent has hereunto set his hand, at the city of Vera Cruz, this 17th day of December, A. D., 1836.

SAML. LONG.

Before me, M. BURROUGH,
*Consul U. States.*

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*Nathaniel Groves*, aged 25 years, a native of the United States of America, of and belonging to the United States ship Natchez, being duly and solemnly sworn, did depose,

declare, and say as follows: That he, with seven other seamen and two stewards, (viz. the captain and ward-room steward,) did on the morning of the 2d November, set out from the ship to which they were attached, in the third cutter, under the charge of Midshipman Renshaw, for the city of Vera Cruz, and arrived at the mole between 11 and 12 o'clock. Mr. R. went up to the consul's, and left the boat in charge of the coxswain, Hover, and told them not to be out of the way, that he should be ready to go off in a few minutes. Deponent having half a dollar in his pocket, purchased some liquor, which was drank among them. Mr. Renshaw returned to the mole in a short time, and being asked by some of them for a little change to get a glass of grog, gave them twenty-five cents, not being aware that they had already had liquor. Mr. R. again left on business, (as supposed,) when the charge of the boat was given to Davis, and the rest of them went towards the market. Deponent quickly returned to the mole, near which he met a passenger who was going in their ship, who informed him that a fight was about to ensue between one of his shipmates and some of the Mexicans upon the mole. Deponent, and the four that were with him, viz. Richard Freeman, Hover, John Williams, and Samuel Long, on returning to the boat, saw Habest and a black fellow engaged in a quarrel, but who were not fighting. The officer of the boat was soon after met by deponent near the corner of the plaza, and who ordered him and the rest of the crew down to the boat that "he should be off immediately." On reaching the mole saw Richard Freeman and Samuel Long with boat-hooks in their hands, near the boat, defending themselves against the soldiery and fisherman by whom they were attacked. The latter of them was struck by one of the guards with a sword, and who then made a blow at the soldier with his boat-hook; this was parried by the bayonet of the soldier, and whilst he was thus defending himself, a soldier struck Richard Freeman with his bayonet, inflicting a wound which brought him to the ground. A corporal now came up and struck Samuel Long over the face with his bayonet, and by which he was knocked down, and supposed dead. The corporal turned and made a pass with a bayonted musket at deponent just as he was getting into the boat. Mr. Renshaw had by this time arrived at the mole, and ordered them all into the boat, and into which all at once placed themselves, with the exception of Richard Freeman, and Samuel Long, and Henry Habest, who were so badly wounded as not to be able to reach the boat.

The soldiery had their muskets charged, and stood alongside the boat, and pointing them directly upon the boat's crew, and who, it is said, would have fired on them had the captain of the port not prevented it. They were now all ordered to the guard-house, where they were placed in stocks, and kept till the next evening, when deponent, with J. Davis, John Williams, and Samuel Molden, were conveyed to prison, and there placed in a small damp apartment, with little to eat, and nothing in the way of bed or bedding to protect them against the cold and humidity of the ground floor.

On or about the 16th of the month they were all taken out and examined by a Mexican officer and the public interpreter. Deponent did not sign any document, he having informed them them that he could not write. The examination being gone through with, they were permitted to go into the prison yard, but were securely locked up at night, and a sentry placed at the door. On the 25th November, they were brought out and delivered over to the charge of the United States consul.

In testimony whereof, the said deponent has hereunto subscribed his name, at the city of Vera Cruz, this 18th day of December, A. D. 1836.

NATHL. GROVES, his × mark.

Before me, M. BURROUGH, *C. U. S.*

*Samuel Molden*, aged 28 years, a native of Europe, seaman, of and belonging to the United States ship Natchez, being duly and solemnly sworn on the day of the date hereof, did depose, declare, and say as follows: That he, with seven other seamen and two stewards, left the ship Natchez, to which they were attached, on the 2d of November, in the third cutter of the ship, under charge of Mr. Renshaw, (midshipman,) and who told them on the passage up that "if they would behave themselves, as he hoped they would, on arriving at the city they should have all the liberty he could allow them; and hoped that they would not get drunk." The wind was high, and a heavy sea running, and the boat's crew got very wet. Mr. R. told the coxswain to take charge of the boat; the rest walked to the market, and procured a bottle of liquor, which was drank among them; after which, Hover went with the steward to the market, and deponent got into the boat, laid down, and went to sleep, but was soon awoke by a noise on the mole; saw at this time several soldiers around the boat, and a Mexican officer, with his sword drawn over the head of Mr. Renshaw, and the others with muskets in their hands pointed at him and the other seamen in the boat. Not knowing the cause of the disturbance, and fearing that Mr. Renshaw was about to be cut down, deponent wished to get upon the wharf to defend him, but Mr. R. would not permit him, and ordered him to keep quiet, and whilst deponent was standing in the boat, he was struck across the face with a cutlass, which was nigh knocking him down. After a little time all got into the boat, except two or three who had been wounded by the people of the country, and were now lying on the mole.

Deponent was ordered by Mr. Renshaw to come out of the boat, to go up and bring down some things from the market, and, when opposite the guard-house, was told to go in with the others, and where they were all, except the two that were most hurt, placed in confinement; remained there till the following evening, and was then sent to a prison in another part of the town, placed in a small damp room, with but little to eat, and nothing to lie upon but a mat. After about two weeks confinement, they were examined by a Mexican officer and an interpreter, and then allowed access to the prison yard. Deponent put his name to a paper, which the interpreter told him was a translation of his deposition, but whether it was a true translation he is unable to judge; he was informed that it was correct.

On the 25th of November, they were all liberated, and conducted to the office of the consul of the United States, where they were left.

In testimony whereof, the said deponent has hereunto subscribed his name, at the city of Vera Cruz, this 18th day of December, A. D. 1836.

SAMUEL MOLDEN.

Before me, M. BURROUGH, *C. U. S.*

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*Richard Freeman*, aged 24 years, a native of Ireland, mariner, of and belonging to the United States ship Natchez, William Mervine, commander, being duly and solemnly sworn, did depose, declare, and say as follows: That he and seven other seamen, with the cabin and wardroom stewards, set out and departed from the said ship Natchez on the 2d day of November, in the third cutter, under the charge of Midshipman Renshaw, and arrived at the mole of this city at about the hour of 11 o'clock, A. M. Had a rough passage up, and being wet and cold, on reaching Vera Cruz, went and got a glass of grog, with some money given to them by the officer of the boat. Hover being left to take care of the boat, was relieved by others in turn. After a little time Mr. Renshaw, who had gone to the office of the consul, returned and told them to "keep about the boat, that he should be ready to go off in a few minutes." Samuel Molden was now in the boat. Samuel Long asked

deponent to go and look at some fish which they were catching on the other side of the mole. They went and examined them, and then returned to the boat. At this time Williams came to them and said that Habest was about to fight with some one; upon which deponent and Long went to see what the matter was, and on arriving at the spot, near the upper end of the mole, saw Habest, who told them that he "was going to fight a negro fellow," who had just come out of the water, (a fisherman.) The negro was quarrelling with him, and standing in an attitude for fighting. Some gentleman who was near them said "let them fight, give them fair play, one at a time," but Habest did not strike him. Samuel Long insisted on whipping the fellow, and proposed to fight him, (the fisherman;) the negro at this time standing in readiness to make a blow; deponent tried to dissuade his shipmates from fighting, and was using all his exertions to get them back into the boat, when a soldier came up and struck him and Samuel Long with a sabre; several other soldiers were likewise present, and whose muskets with mounted bayonets were used against them; deponent and Long finding themselves likely to be overpowered by the arms of the soldiery, ran to the boat and got boat-hooks to defend themselves.

They were followed by the assailants near the boat, and on regaining the mole were again attacked, and deponent received a bayonet wound in the hip, and another in the right side, which brought him to the ground. The officer of the boat had now arrived on the mole, and who ordered them into the boat, where they at once got. The Mexican soldiery were standing upon the edge of the quay, with muskets pointed towards them, and from whom they expected to have received a fire.

Shortly after they (the boat's crew) were ordered to the guard-house, and where deponent and others were confined in stocks. Deponent was struck several times, after being secured in the stocks, with a large cane, by the corporal of the guard; remained in the guard-house with the others till next night, when deponent and the others that were wounded were conducted to the hospital. On or about the 13th day of November, deponent was taken out of his room and examined by an officer and an interpreter. Deponent signed his declaration, as translated into Spanish, which he was told by the interpreter was a true translation of his deposition.

After remaining near three weeks in the hospital, deponent was removed, with James Hover, to the prison in which their other shipmates were confined.

On the 25th day of November they all obtained their release, being delivered over to the charge of the consul of the United States.

In testimony whereof, the said deponent has hereunto set his hand, at the city of Vera Cruz, this 18th day of December, 1836. R. FREEMAN.

Before me, M. BURROUGH, *C. U. S.*

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*James Hover*, aged 32 years, a native of the State of New Jersey, United States of America, mariner, of and belonging to the United States ship Natchez, W. Mervine, commander, being duly and solemnly sworn, did depose, declare, and say: that on the second day of November, he, with seven other seamen, and two stewards, under charge of Mr. Renshaw, midshipman, left the said ship Natchez, and arrived at the mole at Vera Cruz, at about 11 o'clock in the day; all left the boat except deponent, who was deputed to take charge of the boat. John Davis, after a little time, came and relieved him, when deponent went up to the market with the wardroom steward, and brought down some articles for the ship; left the boat a second time in company with the steward, and returned without him; again quitted the mole, and when near the corner of the plaza, met a gentleman who was going passenger in the ship, who told deponent that there was a quarrel going on between the Americans and the Mexicans upon the mole; deponent said that he would go down when he saw the officer of the boat, but not seeing the officer, joined the two stewards and went to the mole; and there saw fighting between Samuel Long, Henry Habest, and some of the citizens and soldiers of the place. Deponent went directly to the boat, and before he had time to get into the boat, and whilst standing upon the mole in waiting for Samuel Molden to haul up the boat, that he might get into her, was struck by a soldier or some other person of the country with a stone upon the head, which knocked him down; and when his hat fell into the water, recovering himself, he jumped into the sea, in order to clear himself from the soldiers and others by whom they were attacked, and succeeded in getting into the boat; about this time, Mr. Renshaw arrived at the mole, and ordered all to take seats in the boat, and six of the boat's crew and the two stewards obeyed, leaving the other two upon the mole, who were badly wounded. Soon after, Mr Renshaw ordered deponent and the rest of them out of the boat, and to go up with him—all obeyed—and when they arrived opposite to the guard-house, were told to go in—and there deponent and six others remained for the night and next day, when deponent and Richard Freeman were convey to the hospital; there, they remained about two weeks, when they were taken out and examined by some Mexican. Deponent signed a paper which the interpreter told him was a deposition which he was making out for the new governor, and who also told him that, in about two weeks, they would be released (as he expected.) In the course of four or five days, deponent, Richard Freeman, Henry Habest, and Samuel Long, who were now in the hospital, were all conveyed to a prison near the south gate of the city; there they remained till the 25th of November, when they were all taken out and delivered over to the charge of the American consul.

In testimony whereof the said deponent has hereunto set his hand at the city of Vera Cruz, this third day of January, Anno Domini, 1837.

JAMES HOVER, his + mark.

Before me, M. BURROUGH *C. U. S.*

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CONSULATE OF THE U. S. OF AMERICA,
*At Vera Cruz.*

I, M. Burrough, consul of the United States of America at Vera Cruz, do hereby certify that the foregoing, subscribed "James Hover," is a true and faithful copy of the original, finding place in my consular register, letter C, pp. 29, 30, 31.

Witness my hand and seal of office hereunto affixed, at the city of Vera Cruz, this sixth day of January, A. D., 1837, and of the independence of the United States of America the 60th. M. BURROUGH.

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CONSULATE OF THE U. S OF AMERICA,
*At Vera Cruz, Mexico.*

These are to certify that John Davis, mariner, of and belonging to the United States ship Natchez, W. Mervine, commander, and one of the boat's crew of said ship imprisoned at this place on the 2d day of November last past, did, on or about the 4th of December, desert from the charge of this consulate, since which, he has not returned, and, in consequence, the deposition of the said mariner does not appear.

In testimony whereof, I have hereunto set my hand and affixed my seal of office, at the city of Vera Cruz, this 6th day of January, A. D. 1837, and of the independence of the United States of America the 60th.

M. BURROUGH.

## CLAIMS ON MEXICO.

| Name of claimant. | Date of the act complained of. | Name of the vesssel, and nature of the property seized, or of the act complained of. | Amount claimed. |
|---|---|---|---|
| 1. Mexican Company of Baltimore. | 1816 | - | Not stated. (*a*) |
| 2. A. P. Choulteau and Julius de Mun. | 1817 | The claimants imprisoned at Santa Fe, and their property confiscated. | Value of property lost $30,380 74½. (*b*) |
| 3. Mrs. Young | 1817 | - | Not stated. (*c*) |
| 4. John Jacob Astor, P. P. Pope. | 1818 | Brig Cossack | Vessel and cargo sold for about $40,000. (*d*) |
| 5. S. G. Arnold & Co. Richard J. Arnold, Ratcliffe Hicks. | 1821 | Ship Louisa, cargo of | $33,945. (*e*) |
| 6. John Mitchell | Not mentioned. The claimant's letter asking the interposition of the Government, is dated June 8, 1824. | Specie seized | $4,738. (*f*) |
| 7. John B. Marié | Summer of 1824 | Coffee and provisions | Not stated. (*g*) |
| 8. Borie and Laguerenne | November, 1824 | Illegal exaction of duties | $32,729 79. (*h*) |
| 9. T. E. Dudley and J. C. Wilson. | 1824 | Robbery by Indians | Not stated. (*i*) |
| 10. Not stated | 4th January, 1825 | Schooner Scott fired upon and injured at Vera Cruz. | Not stated. (*j*) |
| 11. Assignees of John Coulter. | 6th September, 1825 | Quantity of brandies seized | Not stated. (*k*) |
| 12. G. G. & S. Howland | October, 1825 | White wax seized | $10,000. (*l*) |
| 13. Thomas Wilson | 1826 | Schooner Fair American and cargo. | Not stated. (*m*) |
| 14. Atlantic Insurance Company, New York. | Not stated. The letter of the president of the company asking the interposition of the Government, is dated February 7, 1826. | Brig Liberty stated to have been illegally seized. | Not stated. (*n*) |

(*a*) This was an association of individuals that furnished General Mina with the means of undertaking his invasion of Mexico, which amount they aver has never been repaid them.

(*b*) The claimants, chiefs of a hunting expedition, were, with their followers, arrested by the Spanish authorities, carried into Santa Fe, and, without trial, imprisoned and otherwise maltreated, for an alleged trespass upon the dominions of Spain in that quarter. For a detailed statement of the case, see Wait's State Papers, vol. 12, page 435.

(*c*) The claimant is the widow of Colonel Guilford D. Young, who was a partisan of Mina, and was killed while serving under him in 1817. The claim is understood to be for arrears of pay.

(*d*) One of the pretexts for the seizure in this case was the alleged want of a sea-letter. The seizure took place at Mazallan, on the western coast of Mexico. It does not appear whether there were any judicial proceedings. A decree of the Mexican Government, dated 27th July, 1821, directed restitution of the vessel, but the decree was never executed, and no compensation for the loss has ever been received.

(*e*) The vessel arrived at Acapulco laden with provisions, arms, &c.; upon learning which, Iturbide issued two edicts, one dated Chilpasingo, 20th February, the other Igunla, 4th of March, 1821, directing the cargo to be taken for his use. On the 1st February, 1822, the regency of Mexico decreed indemnity, which was to be received in part from the Treasury of Mexico, and the residue from the customs at Vera Cruz and Acapulco. A part of the amount has been received, and the claim is for the balance.

(*f*) The property seized on the road from Mexico to Vera Cruz by officers of the Mexican Government.

(*g*) The goods were seized upon the pretext of their having been introduced contrary to a Mexican law prohibiting the importation of such articles. The claimant says that he was ignorant of the existence of the law.

(*h*) The exaction was made upon a quantity of cotton goods imported into Alverado.

(*i*) The claimants were robbed of a part of their property by the Camanche Indians on their return from a trading expedition to Mexico. Original papers in the case sent to Mr. Poinsett.

(*j*) The outrage was perpetrated for an alleged violation of the blockade of the castle of St. Juan de Ulloa.

(*k*) The property was seized upon the pretext of its being the produce of Spain, whereas it was the produce of France.

(*l*) The property was seized at Alvarado upon the ground of its being of Spanish, whereas it was of Russian origin.

(*m*) The seizure was made at Brazos Santiago, the port or harbor of Refugio in Mexico, upon the ground that the vessel was not provided with the proper consular certificates. All the papers sent to the legation at Mexico.

(*n*) All the original papers in this case having been sent to Mr. Poinsett, the particulars of it cannot be ascertained.

CLAIMS ON MEXICO—Continued.

| Name of the claimant. | Date of the act complained of | Name of the vessel, and nature of the property seized, or of the act complained of. | Amount claimed. |
|---|---|---|---|
| 15. S. Russell and H. Nixon | Date of second act September, 1826. | Brig Delight. Illegal exaction of duties at San Blas, and seizure and detention of her cargo at Sisal. | Not stated. (*a*) |
| 16. R. M. Whitney & Co. | Not stated. The original letter of claimants dated November 23, 1826. | Not stated - - - | Not stated. (*b*) |
| 17. John Andrews - | 1827 - - - | White wax seized at Alvarado | Not stated. (*c*) |
| 18. R. W. Meade - - | Not stated - - - | Not stated - - - | Not stated. (*d*) |
| 19. Pardon C. Green - | January 1828 - - | – | $9,678 71. (*e*) |
| 20. W. Massecott - - | Not stated. Claimant's letter requesting interposition, dated May 19, 1828. | Not stated - - - | $1,528. (*f*) |
| 21. Charles Callaghan - | May, 1829 - - - | Brig Ann detained at Vera Cruz, and her voyage broken up. | $14,000. (*g*) |
| 22. Robinson Potter - | August, 1829 - - | Brig William seized and employed as a transport. | $4,532. (*h*) |
| 23. John Kennedy and F. E. White. | August 3, 1829 - - | Brig Urzula seized and employed for the same purpose. | $2,005, with interest. (*i*) |
| 24. Smith & Thompson - | 1829 - - - | Brig Splendid seized and employed for the same purpose. | Not stated. (*k*) |
| 25. Manuel de Cala - | September, 1829 - - | Schooner Rebecca and Eliza and cargo seized and sold. | Not stated. The vessel was insured for $4,000. (*l*) |
| 26. A. Pell & Brother - | 1829 - - - | Quantity of types taken and destroyed at Tampico. | $600. (*m*) |
| 27. William H. Shaw - | December, 1829 - - | Imprisoned at Tabasco, and his vessel, the schooner Galaxy, detained. | Not stated. (*n*) |
| 28. J. K. West - - | Not stated - - - | – | Not stated. (*o*) |
| 29. Samuel Lowder - | February, 1832 - - | Schooner Topaz employed as a transport, captain and mate murdered. | $6,500. (*p*) |

(*a*) The seizure at Sisal was made because of an alleged want of consular certificates. All the original papers sent to Mr. Poinsett.

(*b*) All the papers in this case were sent to Mr. Poinsett.

(*c*) The property was seized at Alvarado on the ground of its being of Spanish origin, whereas it is represented to have been imported into New York from St. Petersburg, and thence to Alvarado. There seems to have been a condemnation by a tribunal.

(*d*) Nothing further relative to this case can be ascertained than that Mr. Clay, in a letter to Mr. Poinsett, dated 9th June, 1827, instructs him to give the claimant such assistance as he might deem advisable.

(*e*) The claim in this case is for supplies furnished the Mexican brig of war Hermeon, which put into Key West in distress.

(*f*) The papers in this case having been sent to Mr. Poinsett, the letter to him which accompanied them is the only document in which it is mentioned, and that only states that the claimant was deprived of the money by certain irregular and unjust proceedings of the authorities at Sisal.

(*g*) It is stated that the vessel put into Vera Cruz in distress, and that the amount claimed is for the loss sustained in consequence of being obliged to pay duties on the cargo. The inferior court decided in favor of allowing the vessel to depart, but the authorities appealed to the supreme court of Puebla, whose decision does not appear.

(*h*) The seizure took place at Vera Cruz during the Spanish invasion, and the vessel was constrained to carry a division of troops to Jaculata.

(*i*) No further particulars respecting this case appear.

(*k*) The vessel was employed to transport troops from Vera Cruz to Jaculata. Original papers sent to the legation at Mexico.

(*l*) The seizure was made at Tampico, for an alleged intent to supply with provisions the Spanish invading army.

(*m*) The seizure was made during the Spanish invasion.

(*n*) The claimant, who was master of the vessel, was imprisoned six weeks for no apparent cause.

(*o*) The claim in this case is for a bill of exchange drawn by Mr. Henera in favor of the claimant, when Mr. H. was appointed minister to the United States, and for supplies sent to Mexico by his direction.

(*p*) The captain contracted to carry 150 soldiers from Matamoras to Galveston; on the passage he and his mate were causelessly murdered by the soldiers, and the vessel taken possession of.

CLAIMS ON MEXICO—Continued.

| Name of the claimant. | Date of the act complained of. | Name of the vessel, and nature of the property seized, or of the act complained of. | Amount claimed. |
|---|---|---|---|
| 30. J. W. Breedlove, and others. | March 16, 1829 - - | Brig General Morales seized and detained at Vera Cruz. | $8,826. (*a*) |
| 31. E. K. Collins - - | Since April 5, 1832 - | Discriminating tonnage duties exacted in contravention of the treaty. | $6,000. |
| 32. Jackson Marine Insurance Company. | June 21, 1832 - - | Schooner Brazoria seized & employed in the Mexican service. | $7,215. (*b*) |
| 33. Aaron Leggett - | 1832 - - - - | Steamboat Hidalgo seized and employed in the Mexican service. | $786,507 72. (*c*) |

(*a*) The vessel arrived at Vera Cruz on the 16th of January, 1829, with no cargo, but with an excess of provisions, as it was understood that she was to be sold and fitted out as a privateer in the Mexican service. In the night of the 2d of February, 52 kegs of gunpowder were surreptitiously introduced on board of her from a schooner just arrived from New Orleans. On the 20th the whole of the powder and provisions were forcibly seized and carried from the vessel by order of the authorities at Vera Cruz. The provisions were subsequently restored; and as the vessel could not be sold for the purpose for which she had been destined, she was cleared out for New Orleans on the 16th of March. On the same day, after she had been cleared out, the captain of the port, accompanied by about thirty men, suddenly repaired on board and seized the vessel. The legality of the seizure was contested in the Mexican courts, who eventually decided in favor of the claimants, and the vessel was restored on the 12th of October, 1830. The claim is for the detention of the brig, and the consequent losses. The pretext for the seizure was her having the gunpowder on board, which was contrary to the Mexican laws.

(*b*) On the 21st of June, 1832, whilst the vessel was lying in the port of Brazoria, she was seized by John Austin, the Mexican military commandant in that quarter, and employed to make an attack upon Anahuac. During the attack she was so much injured that the owners abandoned her to the underwriters, who claim the amount specified of the Mexican Government.

(*c*) On the 18th of November, 1831, the claimant obtained from the Legislature of the Mexican State of Tabasco the grant of an exclusive privilege to use steamboats on the waters of that State for the period of ten years. He accordingly sent thither a steamboat called the Hidalgo, which arrived on the 19th of June, 1832. She was to be employed chiefly in transporting logwood to the coast, and the claimant had entered into contracts with several individuals in the interior for all the logwood they had cut down in 1831, and might cut down in 1832, 1833, and 1834. He also purchased and chartered several vessels for the purpose of carrying the logwood away. The steamboat commenced her trips on the 28th of June, 1832, by going down the river to Frontera, and, on the 30th, the fort there was taken by an invading force from the neighboring States of Chiapas and Yucatan, with a view to compel Tabasco to recede from its declaration in favor of Santa Anna. The garrison retreated into the town, and would have been obliged to surrender, had not the Hidalgo chanced to be there; they rushed on board of her, and forced the master to convey them immediately to the capital of the State. On the 2d of July, Don Mariana Martinez, the commander-in-chief of Santa Anna's forces in that quarter, sent an order to the commander of the steamboat to hold her at his, the commander's disposal, and the order was accompanied by a file of soldiers to enforce it; and on the 6th another order was sent requiring the steamboat to be employed for the transportation of troops, and she was so employed from the 30th of June to the 2d of August, 1832; and the captain and crew were obliged, by threats of personal violence, and even of death, to submit to the orders of the officers sent on board.

This detention of the steamboat was the primary cause of all the subsequent disasters of the claimant. The vessels which were to carry away the logwood all arrived at Tabasco from the 16th of June to the 5th of July; but finding no cargoes ready for them, that the steamboat had been seized, and that owing to the distracted state of the country it was not probable that cargoes could be procured, they, early in August, set sail for the ports to which they respectively belonged; and the captains and owners of the vessels have since demanded of the claimant the penalties of the charter parties, which he has paid to the extent of his means. The detention of the steamboat also led to the loss of the profits which the claimant reasonably expected to derive from the contracts referred to. Her employment, too, in the service of Santa Anna eventually led to her loss: for, on the 10th of October, 1832, having stopped at Jonuta, she suddenly filled with water and sunk; the claimant thereupon proceeded to Laguna, in Yucatan, to get persons to assist in raising her. On his arrival, he was summoned into the presence of the commandant general of the place, who, when informed of his object, refused himself to aid the claimant, and forbade the inhabitants of Laguna from succoring him, alleging, as a reason, that the steamboat had been the cause of the victory of Santa Anna's party on the 25th July. The schooner Consolation, belonging to the claimant, was seized and compelled to transport troops of the party opposed to Santa Anna. After her release, she was again seized by a magistrate of Santa Anna's party, because of having been employed in the service of his adversaries; the captain was put in the stocks, and the vessel finally became unseaworthy in consequence of her detention. The brig John, belonging to the claimant, was also detained by officers of Santa Anna's party, and the captain imprisoned. Dennis Gahagan, one of the claimant's agents, was likewise imprisoned; a large sum in specie was extorted from the claimant by the military officers at San Juan Bautista, in August, 1832. The losses brought upon the claimant by the incidents above detailed, were the proximate cause of the bankruptcy of the commercial house of which he was a partner, in New York.

CLAIMS ON MEXICO—Continued.

| Name of the claimant. | Date of the act complained of | Name of the vessel, and nature of the property seized, or of the act complained of. | Amount claimed. |
|---|---|---|---|
| 34. William McKeige - | April 2, 1824 - - | Brig Industry - - | $11,006 68. (*a*) |
| 35. New York State Marine Insurance Company; Commercial Insurance Company; Union Insurance Company. | May 2, 1832 - - | Brig Ophir - - - | Not stated. Value of vessel supposed to be $20,000. (*b*) |
| 36. Thomas Early, Francis Early, Rufus Turnage, Albert G. Fugua. | May, 1835 - - - | The Schooner Martha seized and condemned, & the claimants imprisoned. | Not stated. (*c*) |
| 37. A. de O. Santangelo - | 25th June, 1835 - - | Unjustly & illegally banished | $100,000. (*d*) |
| 38. Peter Harmony, Le Roy, Bayard, & Co. | October, 1822 - - | Specie seized on the way from Mexico to Vera Cruz. | $15,000. (*e*) |
| 39. Peter Harmony - | Same - - - | Same - - - | $5,587. (*f*) |

(*a*) On the 10th March, 1834, the captain, who is the claimant, applied at the custom-house in Tabasco for a clearance, but was informed that the district judge had attached the vessel upon the pretext that the forescuttle was not sealed when she arrived. On the 12th, the captain was arrested and imprisoned for thirteen days, and was only released upon the condition of paying Rogas, the district judge, one hundred and sixty dollars. He then applied for a clearance, which was refused, unless he would pay a further sum of fifty ounces in gold. On the 2d of April, after being again arrested and harassed for a pretended debt due one of his crew, he again applied for a clearance, which was granted on the responsibility of the collector. He set out with the vessel, but was ordered back by the judge, who declared he should not go until he paid the fifty ounces of gold. The vessel was then abandoned, and the judge sold her and her cargo and pocketed the proceeds.

(*b*) About ten in the morning of the 1st of May, 1835, the vessel anchored in the harbor of Campeche. About noon she was visited by the captain of the port and health officers, to whom the captain exhibited his list of crew, the triplicate invoices of the cargo, and the triplicate general manifest. The interpreter informed the captain that it would be necessary to carry the invoices only to the custom-house. The master then went ashore with the captain of the port in his boat, and presented the invoices at the custom-house. A young man just beginning to learn English acted as interpreter. The collector immediately addressed a written complaint to the district judge, stating that the captain had not presented the triplicate general manifests required by law to be given aboard the vessel whilst in the act of anchoring, and that he had stated that he had not made out such manifests, the captain's answer being mistaken or misinterpreted. The captain, suspecting that it was intended to ensnare him, set out on his return to his vessel, but owing to the darkness of the night, and the haziness of the weather, did not find her till next morning. He presented his general manifest to the revenue officer on board, who sent it to the custom-house. On the same day (2d May) the brig was boarded by the captain of the port, her sails carried on shore, an armed guard placed on board, and she condemned.

(*c*) The vessel arrived at Galveston bay on the 3d of May, 1835, and came to anchor under the stern of the Mexican Government schooner Montezuma. An officer from her repaired on board the Martha, examined the papers, and complained that the passengers had no passports, and that there were articles on board not included in the manifest. A guard of twelve men was then sent to the Martha. Some of the passengers having been invited by the pilot of the port to go ashore next day to hunt, two or three of them were loading their guns in the cabin to be in readiness the next morning, when one of the guards looking down and seeing them reported the circumstance. Two boats were immediately sent from the Montezuma to the Martha, all the passengers forced into them, carried to the Montezuma and confined under the hatches. The next morning the Lieutenant Commandant went with some of his men, provided with crowbars, adzes, axes, &c. and searched the Martha, breaking open the barrels and boxes; after which they returned, released the passengers, and sent them back to their own vessel; though the passengers, who had saddles on board for their own use, had them taken from them under plea that they were new and had not been used. On the 6th of May the Lieutenant Commandant again repaired on board the Martha, and after searching the passengers' trunks, took all their arms from them and put them in his boat. He then called up the black steward of the Martha and told him to point out those of the passengers who were concerned in loading the guns on the evening of the 3d. When the Steward had pointed them out, the Lieutenant said that he was going to make the Martha a prize, and to take the four passengers pointed out by the steward prisoners to Vera Cruz. They were consequently ordered into the boat and taken on board the Montezuma. The next day the other passengers were sent under the charge of an officer to Anahuac and there released. On her way to Vera Cruz the Montezuma stopped at Matamoras, and in consequence of the urgent solicitations and remonstrance of our consul there, the four Americans confined on board were liberated. The Martha was taken to Vera Cruz, tried and condemned.

(*d*) The person in question was ordered to leave Mexico in three days, upon a charge of having published an article in a newspaper animadverting upon the administration of President Santa Anna. He claims the amount specified for losses sustained in consequence of the act.

(*e*) The seizure is represented to have been made by officers of Iturbide, and the money to have been carried to Perota and converted to his use.

(*f*) A similar case to the preceding.

CLAIMS ON MEXICO—Continued.

| Name of the claimant. | Date of the act complained of | Name of the vessel, and nature of the property seized, or the act complained of. | Amount claimed. |
|---|---|---|---|
| 40. Not stated - - | 1835 - - - | Schooner Hannah Elizabeth - | Not stated. (*a*) |
| 41. Not stated - - | 1836 - - - | Brig Jane, schooner Compeer, and other merchant vessels of the United States. | Not stated. (*b*) |
| 42. Heirs of James P. Wallace. | 1825 - - - | Forty casks of brandy - | (*c*) |
| 43. J. F Lund - - | 1836 - - - | Mules on board brig Jane | |
| 44. - - - | 1836 - - - | Schooner Eclipse - - | (*d*) |
| 45. - - - | 1836 - - - | Schooner Northampton - | Not stated. (*e*) |
| 46. John Baldwin - - | 1831 - - - | - - - - | Not stated. (*f*) |

(*a*) The captain and crew of this vessel, together with five persons, passengers in her, were seized at Matagorda, in Texas, and carried to Matamoras by the Mexican armed schooner Bravo. The Bravo is also represented to have fired upon the Hannah and Elizabeth.

(*b*) Detained by the authorities of Matamoras in violation of the eighth article of the treaty.

(*c*) The property was shipped at New Orleans on board of the United States merchant schooner Felix, which was captured by a Mexican cruiser.

(*d*) Detained at Tabasco.

(*e*) Wrecked on the Mexican coast.

(*f*) Personal injuries at Minotitlan, in Mexico.

NOTE.—There are other claims which were presented to the Mexican Government by the Representative of the United States without waiting for the directions of the Department.

## UNITED STATES AND MEXICO.

*Message from the President of the United States to the House of Representatives, transmitting the information required by a resolution of the House of Representatives upon the subject of the condition of the political relations between the United States and Mexico; also, on the condition of Texas.*

*To the House of Representatives of the United States:*

In compliance with the resolution of the House of Representatives of the 17th instant, I transmit a report from the Secretary of State, together with the documents by which it was accompanied.

ANDREW JACKSON.

WASHINGTON, *January* 25, 1837.

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DEPARTMENT OF STATE,
*Washington January* 25, 1837.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 17th instant, requesting the President to lay before that House, if not incompatible with the public interests, any information in his possession, showing the condition of the political relations between the United States and Mexico, and, also, any further information that he may have received on the condition of Texas, has the honor herewith to communicate copies of, and extracts from, such papers in this Department as are deemed necessary to show the present state of the political relations between the United States and the Mexican republic. Since the return of the agent who was sent to inquire into the condition of Texas, no additional information has been received on that subject. All which is respectfully submitted. JOHN FORSYTH.

To the PRESIDENT *of the United States.*

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LIST OF PAPERS.

Mr. Ellis to Mr. Forsyth, June 23, 1836.—*Extract.*
The same to Mr. Monasterio, May 30, 1836.
Mr. Monasterio to Mr. Ellis, June 10, 1836. Translation.
Mr. Monasterio to Mr. Ellis, June 17, 1836. Translation.
Mr. Tornel to Mr. Monasterio, June 15, 1836. Translation.
Mr. Ellis to Mr. Forsyth, July 12, 1836.—*Extract.*
Commodore Dallas to Mr. Robertson, April, 26, 1836.
Mr. Robertson to General Gomez, May 3, 1836.
General Gomez to Mr. Robertson, May 3, 1836. Translation.
Mr. Robertson to General Gomez, May 4, 1836.
The same to Mr. Ellis, May 6, 1836.
Lieutenant Osborn to Mr. Robinson, May 5, 1836.
Mr. Robertson to General Gomez, May 5, 1836.
General Gomez to Mr. Robertson, May 5, 1836. Translation.
Mr. Robertson to General Gomez, May 5, 1836.
Mr. Monasterio to Mr. Ellis, June 14, 1836. Translation.
Mr. Ellis to Mr. Monasterio, June 16, 1836.
Mr. Monasterio to Mr. Ellis, June 21, 1836. Translation.
Mr. Ellis to Mr. Monasterio, June 25, 1836.
The same to Mr. Robertson, June 29, 1836.
The same to Mr. Forsyth, July 16, 1836.
Mr. Butler to Mr. Monasterio, March 8, 1836.
Mr. Monasterio to Mr. Butler, March 16, 1836. Translation.
Mr. Forsyth to Mr. Ellis, July 20, 1836.
Mr. Coleman to Mr. Forsyth, May 18, 1836.
The same to the same, June 6, 1836.—*Extract.*
Mr. Ellis to the same, October 11, 1836.
The same to Mr. Monasterio, September 26, 1836.
Mr. Monasterio to Mr. Ellis, October 3, 1836. Translation.
Mr. Ellis to Mr. Forsyth, October 4, 1836.
The same to Mr. Monasterio, September 9, 1836.
Mr. Monasterio to Mr. Ellis, September 13, 1836. Translation.
Mr. Ellis to Mr. Forsyth, October 5, 1836.
The same to Mr. Monasterio, September 15, 1836.

Mr. Monasterio to Mr. Ellis, September 21, 1836. Translation.
Mr. Ellis to Mr. Monasterio, September 20, 1836.
Mr. Monasterio to Mr. Ellis, September 27, 1836. Translation.
Mr. Ellis to Mr. Forsyth, October 11, 1836.—*Extract.*
The same to the same, October 25, 1836.
The same to Mr. Monasterio, October 20, 1836.
Mr. Monasterio to Mr. Ellis, October 21, 1836. Translation.
Mr. Ellis to Mr. Forsyth, November 10, 1836.
The same to Mr. Monasterio, November 4, 1836.
The same to Mr. Forsyth, November 3, 1836.—*Extract.*
The same to the same, December 9, 1836.—*Extract.*
Mr. Forsyth to Mr. Ellis, December 10, 1836.
Mr. Ellis to Mr. Forsyth, December 14, 1836.
The same to the same, December 21, 1836.—*Extract.*
Mr. Perrine to Mr. Ellis, September 4, 1836.
Mr. Burrough to Mr. Forsyth, November 22, 1836.
The same to the same, December 1, 1836.—*Extract.*
Mr. Ellis to Mr. Forsyth, September 7, 1836.
Mr. Forsyth to Mr. Ellis, December 20, 1836.
Mr. Ellis to Mr. Forsyth, October 15, 1836.
Mr. Burrough to Mr. Ellis, October 8, 1836.
Mr. Ellis to Mr. Monasterio, October 14, 1836.
Mr. Forsyth to Mr. Ellis, December 9, 1836.—*Extract.*
Mr. Ellis to Mr. Forsyth, January 12, 1837.

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*Mr. Ellis to Mr. Forsyth.—Extract.*

LEGATION OF THE UNITED STATES,
*Mexico, June* 23, 1836.

* * * * * *

From the enclosed papers, (B,) you will see the evasive and unsatisfactory answer given to my note of the 30th ultimo, demanding satisfaction of this Government for the outrage committed on the American flag, in the capture of the Hannah Elizabeth by the General Bravo, and the imprisonment of the captain, crew, and passengers.

These acts of injustice and oppression are daily perpetrated on citizens of the United States, and every succeeding application for redress is met with cold neglect, and, no doubt, with a secret determination to commit similar offences, seeing that they have heretofore done so with entire impunity. If a satisfactory explanation is not given of this affair in a short time, I shall feel it to be my duty to communicate, in the most decisive manner, to the Mexican Government, the unalterable purpose of the United States not to submit to these reiterated aggressions upon the persons and property of American citizens. * * *

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*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE U. S. OF AMERICA,
*Mexico, May* 30, 1836.

The undersigned, chargé d'affaires of the United States of America, has the honor to present his compliments to the acting Minister of Foreign Affairs, and begs leave to call his attention to the capture of an American vessel by the Mexican armed vessel General Bravo, in the port of Matagorda, in the month of November last. The Hannah Elizabeth, of New Orleans, sailed from that port on the 13th of November, 1835, bound to Matagorda, Texas; and on the 18th of the same month, she stranded on the bar, in attempting to enter the bay of Matagorda. While in this unfortunate condition, she was fired into by the Mexican armed vessel of war General Bravo, boarded by twenty armed soldiers, under the command of two officers, who forcibly took the captain, crew, and passengers from the wreck on board the bravo, when they were chained in the hold of that vessel until their arrival in Matagorda, on the 2d of December, 1335. They were then landed in a naked, feeble condition, and placed under a guard of soldiers at the Bravo de Santiago, pillaged of their clothes, after having been on short allowance during their imprisonment on board the General Bravo.

In a time of profound peace the Hannah Elizabeth was sailing in the pursuit of a lawful trade, under the protection of the flag of a neutral and friendly Power, and she had every reason to calculate on the hospitality of the Mexican Government and people, and more especially when it was known she was in distress. The violence offered to her, under such circumstances, I am well persuaded, is an act of injustice committed without the knowledge of this Government; and I have too high a respect for its character to suppose, for a single moment, it will sanction an outrage directly in opposition to the treaty of amity, commerce, and navigation, subsisting between the two republics. I have been informed the crew and passengers have been set at liberty; but I have not been advised of the release of the captain of the Hannah Elizabeth. I then, in compliance with instructions from my Government, demand the immediate release of this individual, ample damages for the illegal detention of himself, crew, and passengers, and an apology for the insult to the flag of the United States, by the firing of the General Bravo upon the Hannah Elizabeth.

The undersigned embraces the present occasion to offer to his excellency the acting Minister of Foreign Affairs the assurance of his distinguished consideration.

POWHATAN ELLIS.

To his Excellency
*The* ACTING MINISTER OF FOREIGN AFFAIRS.

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*Mr. Monasterio to Mr. Ellis.*

[Translation.]

PALACE OF THE NATIONAL GOVERNMENT,
*Mexico, June* 10, 1836.

The undersigned, chief clerk charged with the despatch of the Department of Relations, has the honor to inform Mr. Powhatan Ellis that he has this day conveyed to the Secretary of War, with a view to his suitable advice, his note of the 30th of May last, relative to the capture of the American barque Hannah Elizabeth by the Mexican, called General Bravo; and that as soon as the undersigned receives a reply, he will make it known to Mr. Ellis, to whom, in the interim, he renews the assurances of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To Mr. POWHATAN ELLIS,
*Chargé d'Affaires of the United States of America.*

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*Mr. Monasterio to Mr. Ellis.*

[Translation.]

PALACE OF THE NATIONAL GOVERNMENT,
*Mexico, June* 17, 1836.

The undersigned, chief clerk in the Department of Relations, charged with its despatch, has the honor to enclose to the Hon. Powhatan Ellis a copy of the official note which he has received from the Minister of War, in relation to the capture of the American schooner Hannah Elizabeth by the Mexican General Bravo, on which subject Mr. Ellis treated in his note of the 30th ultimo; the undersigned availing himself of the opportunity of renewing to him the assurances of his very distinguished consideration.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,
*Chargé d'Affaires of the United States of America.*

*Mr. Tornel to Mr. Monasterio.*

[Translation.]

OFFICE OF THE SECRETARY OF WAR AND MARINE,
*Mexico, June* 15, 1836.

To the official note of your excellency of the 10th instant, upon the reclamation which the chargé d'affaires of the United States of America has made for the occurrence in the neighborhood of Matagorda, towards the close of the year last past, between our vessel of war "General Bravo" and the North American trader "Hannah Elizabeth," I have the honor to reply by saying, that the commandant general of N. Leon and Tamaulipas has been this day instructed to communicate a summary of the whole transaction, in order that the corresponding provisions may be decreed, with a view to secure more and more the good friendship between our Government and that of the United States. I reiterate to you the protestations of my consideration.

God and Liberty. TORNEL.

*The Chief Clerk in the Department of Relations.*

Copy: MEXICO, *June* 17, 1836.

JOSE MARIA ORTIZ MONASTERIO.

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*Mr. Ellis to Mr. Forsyth.—Extract.*

LEGATION OF THE UNITED STATES OF AMERICA,
*Mexico, July* 12, 1836.

On Tuesday the 14th ultimo, his excellency the acting Minister of Foreign Affairs called on me and expressed his surprise that an American squadron should have made its appearance off the bar of Santa Anna de Tamaulipas, with the avowed intention of demanding satisfaction of the authorities of that place for a supposed insult offered to the American consul and a lieutenant of the United States schooner Jefferson, when the Government of the United States had an accredited diplomatic agent residing in the Mexican capital. I replied that I had not been apprized of the arrival at Tampico of an American squadron, and could not, therefore, pretend to state the object of its visit. As I could not give him a satisfactory explanation of the object of such a movement on the part of the public armed vessels of the United States, the conversation closed by his stating that he would address me a note on the subject, and my reply that it would afford me great pleasure to give all his communications the most prompt consideration.

Previous to this interview, I had received from our consul at Tampico a full statement of the alleged outrage complained of by Captain Jackson, of the United States schooner Jefferson. I cannot well conceive of a more insulting and humiliating indignity offered to the flag of a friendly Power than that manifested in the seizure and imprisonment of Lieutenant Osborn and boat's crew, when that officer landed under orders to commnnicate with the American consul. The paper marked A, contains all the facts in reference to the improper conduct of the commandant general at Tampico; and that marked B, the correspondence between Mr. Monasterio and myself, in which it will be seen this Government disavows the illegal and offensive acts of that officer, and has removed him from office, with an assurance that his conduct shall be investigated by a court-martial, and further punishment inflicted on the offender, if found guilty.

These concessions, in that spirit of friendship and forbearance which the United States have always shown, with no other disposition than to cultivate the most amicable relations with this country, I have been induced to receive as a satisfaction for the injury complained of in my note addressed to Mr. Monasterio on the 16th ultimo. As Captain Jackson did not, nor ask permission to, enter the port of Tampico with the vessel under his command, I purposely avoided opening the question of the right of this Government to inhibit, under existing circumstances, the public armed vessels of the United States to enter their ports and harbors. * * * * * * * *

Hon. JOHN FORSYTH,
*Secretary of State, Washington city.*

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*Commodore Dallas to Mr. Robertson.*

UNITED STATES FRIGATE CONSTELLATION,
*Pensacola Bay, April* 26, 1836.

SIR: Captain Jackson, commanding the United States revenue cutter Jefferson, acting with the squadron under my command, visits Tampico and the coast of Mexico, for the purpose of rendering, if necessary, every assistance in his power to our commerce.

Any information you may give him conducive to that object will be acceptable, and oblige

Your obedient servant, A. J. DALLAS.

To GEORGE R. ROBERTSON, Esq.,
*U. S. Consul, Tampico.*

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*Mr. Robertson to General Gomez.*

AMERICAN CONSULATE,
*Tampico, May* 3, 1836.

SIR: In presenting you this morning the lieutenant of the United States cutter schooner Jefferson, which arrived off the bar this morning, the subject of the right of her coming over the bar was discussed, in which you observed that she could not be allowed to come in, unless she wanted supplies, or was in distress.

The object of this communication is to know from you, that in case the said vessel should choose to make the attempt to cross the bar, whether any obstructions would be made on your part?

An early answer to this communication will confer a favor on Your very obedient servant,

G. R. ROBERTSON.

To Don GREGORIO GOMEZ,
*Military Commandant.*

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*General Gomez to Mr. Robertson.*

[Translation.]

SANTA ANNA DE TAMAULIPAS,
*May* 3, 1836.

I reply to your note of the 3d instant, in order to inform you, as I verbally communicated to the lieutenant of the armed schooner Jefferson, that I would not allow the said vessel of war, nor any other of any nation, to enter, unless in case of urgent need of repairs; if you should, as you hint in your aforesaid note, endeavor to enter, I have the means of sustaining the honor of the nation, which would be outraged by such a proceeding. It appears to me very strange that you should make such a declaration. This I say in reply to your note of this day, which has induced my resolution.

God and liberty. GREGORIO GOMEZ.

To GEORGE R. ROBERTSON, Esq.,
*Consul of the U. S. of North America in this port.*

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*Mr. Robertson to General Gomez.*

AMERICAN CONSULATE,
*Tampico, May* 4, 1836.

SIR: I have the honor to acknowledge the receipt of your official note of yesterday, and observe by its contents that a very great mistake was made by the translator of my letter from English to Spanish, of the word "atentado." It was never intended to be used by me, and, as a proof of which, I send you a copy of my note in English.

With respect to the subject of my communication of yesterday, I beg to inform you that an American man-of-war has been sent for, at the request of the American merchants, and one that could cross the bar; and the fact of your preventing her from entering the river, I cannot but view as an act in hostility to the present friendship and good understanding which exists between the two countries.

I have the honor to be, &c.

G. R. ROBERTSON.

To Gen. Gregorio Gomez, &c.

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*Mr. Robertson to Mr. Ellis.*

Consulate of the U. S. of America.

*Tampico, May 6, 1836.*

Sir: I beg to inform you that, on the 3d instant, the United States schooner cutter Jefferson, Captain Jackson, anchored off this port direct from Pensacola, having been sent here by order of Commodore Dallas. When the vessel first appeared off, a signal was made that she was of a suspicious character, which appeared to create some alarm. A short time after, the first lieutenant of the cutter came up and presented his letters to me, not, however, without an officer at his side to present him to the military chief, Don Gregorio Gomez. At the time of presenting the lieutenant, the commandant received a note from the bar, in which he observed that the lieutenant had said that the schooner was coming into the river. I observed that Captain Jackson had not, in his note to me, expressed any such wish, thinking it would be quite unnecessary to ask permission for a friendly flag to enter the river. He replied that he would not permit her to come in; after which, I addressed him a note. Copies of our correspondence are herewith enclosed.

It appears that, after I had presented the lieutenant as an American officer, my assertion was not believed, for they not only doubled their guards, but sent about fifty men to the entrance of the river; which has created double the hostile feeling against the Americans that previously existed, the first cause of which I attribute to the present war in Texas. I beg to assure you that this vessel has been treated more like an enemy than a friend. I beg that this subject may be presented to this Government without delay, and to know if United States vessels of war shall be debarred from coming into port. I have frequently, at the request of the American merchants in this place, written to Pensacola for small vessels of war that could cross the bar, in order to give better protection to the American commerce in case of need. This vessel has been sent for that object; but it seems that the military commandant has taken it as an insult, and has treated the subject accordingly.

As this country has been so often the scene of civil warfare, it is reasonable to suppose that it is not in their power at all times to give that protection to foregn commerce which is required: so that, in a case of that kind, if vessels of war are debarred from coming, we are naturally left without any protection whatever.

I enclose you a copy of a communication received from Lieutenant Osborn, of the schooner Jefferson, who came on shore yesterday, by which you will perceive that he and his boat's crew were grossly insulted, by being imprisoned, and myself treated in a manner, as a public agent, that no Government ought to allow. I have resided in this country as American consul for twelve years past, and this is the first time I have ever had any dispute with the authorities of the place, and I attribute the whole to the existing warfare now raging in Texas.

I have the honor to be, sir, your very obedient, humble servant, GEO. R. ROBERTSON.

To P. Ellis, Esq.,
*Chargé d'Affaires, Mexico.*

*Lieutenant Osborn to Mr. Robertson.*

Tampico, *May* 5, 1836.

Sir: I beg to inform you that I left the United States schooner Jefferson this morning, by orders of Captain Jackson, to communicate with you; that on our arrival in the river, I was put in custody of an officer, and sent to the town. On our arrival, I was taken to a house in front of the river, where I had been but a short time before your arrival. When in the act of speaking to you, I understood the officer whom I was with to say that you could not speak with me. That I was marched to the house of the military commandant, and there examined; and afterwards was told that I could go and see my consul. My boat's crew informed me that, during my absence, they were put in prison, and there detained for a length of time.

Very respectfully, your obedient servant,

THOS. OSBORN,
*3d Lieut. U. S. cutter Jefferson.*

To George R. Robertson,
*United States Consul, Tampico.*

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*Mr. Robertson to General Gomez.*

American Consulate,
*Tampico, May* 5, 1836.

Sir: The object of the present communication is to require from you immediate satisfaction for the very gross insult offered to the American flag, and to myself, as consul of the United States.

On the arrival of the boat belonging to the United States schoner Jefferson, the lieutenant was taken prisoner, and myself not allowed to speak to him; the boat's crew were put in prison during the pleasure of the officer who put them there.

To avoid further dispute respecting this vessel, I request an answer as soon as possble.

Your very obedient servant,

GEORGE R. ROBERTSON.

To Gen. Gregorio Gomez,
*Commanding this Department.*

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*General Gomez to Mr. Robertson.*

[Translation.]

Santa Anna de Tamaulipas,
*May* 5, 1836.

My aid-de-camp, Mr. Alexander Vaulac, by my order, has given you satisfaction for what you demand reclamation as an insult, but which was only a precaution on the part of the officer of the bar. In the act, suitable orders are given by which the officer and crew may freely communicate with this place, as my aforesaid aid has given you to understand; this haughty official call appearing to me, after I had given you verbal satisfaction, superabundant, wasting time, and giving scope to disagreeable disputes, which I hope you will now shun, as the necessity for them is at an end, since I perceive they were sought by you only as motives for discord and disagreement by which to provoke these communications, and which ultimately will weigh against yourself; inasmuch as I find myself in a situation to sustain the dignity of the nation which I represent, whilst you have an open door through which to run to your Government in case you believe yourself at fault in any particular.

This I say to you in reply to your last note on the subject. God and liberty.

GREGORIO GOMEZ.

To the Consul *of the United States for this port.*

*Mr. Robertson to General Gomez.*

AMERICAN CONSULATE,
*Tampico, May* 5, 1836.

SIR: When our correspondence commenced on the subject of the United States schooner of war Jefferson appearing off this port, I did not anticipate for a moment, that any word or expression would be used that could possibly give offence on either side.

I was entirely unaware that the royal order of the 13th of June, 1771, was in force in this port, particularly as I have myself seen both British and American vessels of war in this river, without the slightest information from any of the authorities that they were contravening the laws of the land. In regard to the 10th article of the treaty, to which you allude, I have perused it with attention, and am unable to perceive that it has any bearing on the present question.

The refusal to permit a national vessel of the United States into this port appeared to me so extraordinary, that I thought it necessary to ask from you a declaration in writing, lest I might, in conversation, have misconstrued your meaning. This, and this only, produced my note of the 3d instant, and to this it was confined. You will find, by a reperusal, that I by no means insisted on the entrance of the vessel, as you state in your communication of yesterday's date, nor even did I ask permission.

As respects the indecorous language to which you allude, I am unconscious of having used any, and it remains for you, sir, to point it out. I most willingly disclaim any intention of the kind, having, in all my intercourse with the authorities of this country, treated them with unvaried respect.

It certainly does appear that, when an American man-of-war is off this port, she is treated more like an enemy than a friend. The greatest anxiety was exhibited at the bar, a short time since, when the United States ship St. Louis arrived, but much more so when the schooner Jefferson appeared off. I cannot conceive it as treating the American flag with proper respect, that when an officer comes on shore he is compelled to be escorted to the town by another; that, of itself, implies a suspicion that the vessel is not of the character she is represented.

In reply to your assertion that you regard my representations as a national pretext for a rupture of amicable relations between our respective countries, I have only to disclaim it as totally unfounded and unwarranted by the facts of the case. My Government, sir, uses no pretexts for the attainment of any purpose; but I shall make no further observations on this part of your communication; it will be submitted to higher powers than either you or I. I have only to add, that I am perfectly willing to take upon myself all the responsibility that can justly fall to my share in this transaction. G. R. ROBERTSON.

To Gen. GREGORIO GOMEZ.

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*Mr. Monasterio to Mr. Ellis.*

[Translation.]

PALACE OF THE NATIONAL GOVERNMENT,
*Mexico, June* 14, 1836

The undersigned, chief clerk, charged with the despatch of the Department of State and of Foreign Relations, has the honor to inform the chargé d'affaires of the United States of America that, on the 1st instant, the American schooner of war Jefferson presented herself, and came to in the port of Tampico; on which, notice was given her commander, by the head of that Department, that that port being closed against the vessels of all nations, he was prohibited free communication. The schooner continued, notwithstanding, in front of the bar until the 4th, when she made sail, after having spoken with the American sloop of war the Grampus, of eighteen guns, which came to in front of the bar. On the following day, there arrived also another American corvette, and both remain anchored there.

The commander of the schooner Grampus directed a note to the principal of the port, informing him that, by order of the chief of the division on the West India station, he had come to enter into a correspondence with him relative to the insult which he had inflicted on the American flag, inasmuch as the Jefferson, when seeking communication with the consul of her country, was not permitted to enter; and when her captain resolved to communicate with one of his boats, under the command of a naval officer, on reaching the shore, was seized, together with the crew who manned it. The commandant of the department of Tamaulipas, in announcing this information to the Secretary of War, protests that the relation is exaggerated (which is made by the captain of the Grampus) upon the inferred maltreatment of the American officer; and says (as in truth is the case) that the officer who commanded the fortified post on the bar, whilst in the discharge of his duty, and conformably to the laws of the country, received and detained (not to be sent to prison, but as a precaution) the said officer and his crew, until he could be presented to the proper authorities, without permitting free communication before complying with this requisite; and he further says that, at the moment when the officer was presented to him he treated him with decorum, and without any harshness, and gave him permission to make the necessary communication; confirming, moreover, the circumstance of the Jefferson having presented herself with colors which do not belong to American ships of war; and that, having made to the consul of the United States the most sincere explanations for an accident which accompanied these circumstances, he could not take it as an outrage done to the flag of his country.

The Supreme Mexican Government cannot but observe with surprise that, having an agent accredited in Mexico on the part of the United States, armed vessels should come to demand satisfaction for an action which, according to the foregoing, has been nothing more than a fulfilment of the Mexican laws. And it hopes that Mr. P. Ellis will give his orders that the said vessels shall retire, under the formal assurance that this Government is ready to enter into explanations, and give such satisfaction as may be necessary, admitting that the authorities might have exceeded their powers, in consideration of the amicable relations existing between the two nations, and which it is its duty, as it is its desire, to protect and maintain, and to bring to punishment whatever Mexican officer may prove to be culpable.

The undersigned avails himself of this occasion to reiterate to Mr. Powhatan Ellis, chargé d'affaires of the United States of America, the assurances of his high consideration and approval.

JOSE MARIA ORTIZ MONASTERIO.

To Mr. POWHATAN ELLIS,
*Chargé d'Affaires of the United States of America.*

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*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,
*Mexico, June* 16, 1836.

The undersigned, chargé d'affaires of the United States of America, has the honor to acknowledge the receipt of your excellency's note of the 14th instant, advising him of the appearnace of an American squadron off the bar of Tampico, to demand an explanation of the authorities of that place, for an insult offered to the American flag, in the seizure of an officer and boat's crew of the United States cutter Jefferson, on their landing to communicate with

the American consul, and requesting the undersigned to order said squadron to retire from its present position.

To comply with this request would involve a high responsibility, inconsistent with the duties of the representative of the United States, unless he can accompany his orders to that effect with an assurance that a previous satisfactory explanation has taken place; and this is the more necessary, since he is not officially advised by his Government of the precise object of the appearance of the American squadron off the harbor of Santa Anna de Tamaulipas.

The assurance given in your note, "that this Government is ready to enter into explanations, and give such satisfaction as may be necessary, admitting that the authorities might have exceeded their powers, in consideration of the amicable relations existing between the two nations, which it is its duty, as it is its desire, to protect and maintain, and to bring to punishment whatever Mexican officer may prove to be culpable," is received by the undersigned as an evidence of frankness on the part of the Supreme Mexican Government, indicating its friendly disposition towards the United States of America. In the same spirit of frankness and cordiality, I have the honor to enclose, herewith, for your consideration, the original papers, marked Nos. 1, 2, 3, 4, and 5, forwarded to this legation from the American consul at Tampico, detailing the nature and character of the outrage committed on the American flag. The seizure and imprisonment of Lieut. Osborn and his boat's crew, on their landing; the refusal of the Mexican authorities to extend to him that courtesy due to an officer of a neutral Power, after his character was known; and the improper language used by the commandant general to the American consul, in his correspondence with that officer, are all circumstances manifesting an unfriendly spirit towards the United States, which, I trust, will not be countenanced by this Government.

The suggestion made by the commandant general, that the Jefferson presented herself under colors which do not belong to American ships of war, I am inclined to think cannot be correct, as it is contrary to the uniform practice of the public armed vessels of the United States, when entering the ports of a friendly Power.

Entertaining the same opinion with your excellency, that the authorities in Tampico have exceeded their just and legal powers, I trust this unpleasant difficulty may be closed, by the Mexican Government tendering to that of the United States an apology for the violation of its unquestioned rights, in the outrage perpetrated on Lieut. Osborn and boat's crew, and in the treatment of the American consul at Tampico; and that the Supreme Mexican Government cause the author of these arbitrary and indefensible acts to be punished.

After taking copies of the enclosed documents, have the kindness to return the originals to this office.

The undersigned avails himself of the present occasion to repeat to his excellency Don Jose Maria Ortiz Monasterio, the acting Minister of Foreign Affairs, the assurance of his distinguished consideration and respect.

POWHATAN ELLIS.

To his Excellency
The Acting Minister of Foreign Affairs.

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*Mr. Monasterio to Mr. Ellis.*

[Translation.]

Palace of the National Government,
*Mexico, June* 21, 1836.

The undersigned, chief clerk in the Department of Relations charged with its despatch, has had the honor to receive the note of the honorable Powhatan Ellis, dated the 16th instant, relative to the dispute which has arisen between the military commandant of Tampico, and the consul of the United States for that city, in relation to the entrance of the American cutter Jefferson. His excellency the President *ad interim*, to whom the undersigned has given an account of the said note and the documents which it enclosed, is of opinion that the interpretation which the commandant alluded to gave to certain expressions of the said consul, caused him to reply in such a manner that he departed from the frank and amicable relations of both countries, until the case became so aggravated that an insult was believed to have been committed on the flag of the United States of America. Doubtless, such was not the intention of that officer, who knows well the duties appertaining to his employment, and the responsibility which he would incur if he should wilfully omit to protect the just claims to consideration of every Power friendly to the Mexican; but, notwithstanding this, the Supreme Government which has supplanted General Don Gregorio Gomez, in the military commandancy of Santa Anna de Tamaulipas, by substituting in his stead a chief whom it flatters itself will know how to preserve greater harmony with the agents and subjects of foreign nations, in order to render more clear the acts relative to the cutter Jefferson, has ordered a summary investigation to be instituted, which, by putting in its true light the conduct of Mr. Gomez, will apply to him the punishment he deserves, if he should prove culpable, as well as to all others who may have taken any part in the affair treated upon.

This provision of the Government of the undersigned is the best guaranty of the desire which animates it to strengthen its relations with the United States of America; and it does not doubt that it will prove the most ample satisfaction for the disagreeable occurrence under consideration; assuring Mr. P. Ellis, as it does assure him, that so far from the military commandant of Tampico pursuing orders or superior instructions, his proceedings have merited the disapprobation of his excellency the President, insomuch, as he ought on no account to have permitted the entrance into that port of any vessel of war, of whatever nation; yet he should so have conciliated this step that it could not, in the most remote degree, be understood as an insult offered to the flag that might be carried.

In consideration of all this, the undersigned flatters himself that the honorable Powhatan Ellis will have no hesitation now in giving his orders for the withdrawal of the squadron at present before Tampico, agreeably to what was indicated in his note of the 14th instant; and replying to the note of his excellency above cited, returning the documents with it enclosed, he has the satisfaction to renew to him the assurance of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

Hon. Powhatan Ellis,
*Chargé d'Affaires U. S. of America.*

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*Mr. Ellis to Mr. Monasterio.*

Legation of the U. S. of America,
*Mexico, June* 25, 1836.

The undersigned, chargé d'affaires of the United States of America, has had the honor to receive the note of his excellency, the acting Minister of Foreign Affairs, under date of the 21st instant.

In consideration of the frank disavowal of the acts of the military commandant of Tampico, made by Mr. Monasterio, in behalf of the Supreme Mexican Government, and the assurance given that that officer has already been removed from office, and the determination expressed to institute a court of inquiry, with a view to the summary investigation of his conduct, and to his punishment, should he prove guilty; as well as that of all others who may have aided or abetted in the outrage on the American flag, and the insult to the American consul, before complained

of, the undersigned is willing to acknowledge the sufficiency of this explanation, and on the faith of a due execution of the promise above quoted, to order a cessation of operations by the American squadron now before Tampico, so far as a reclamation for the said outrage and insult is demanded.

The undersigned begs Mr. Monasterio to believe in his renewed assurances of consideration and respect.

POWHATAN ELLIS.

To his Excellency
The Acting Minister of Foreign Affairs.

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*Mr. Ellis to Mr. Robertson.*

Legation of the United States of America,
*Mexico, June* 29, 1836.

Sir: The unpleasant disagreement that occurred at Tampico, early in May last, between the Mexican authorities and the American consul of that port, has been amicably adjusted. This Government has made an apology to that of the United States, for the insult offered to its flag in the seizure and imprisonment of Lieut. Osborn and boat's crew, when they landed at Tampico; and for the rude and insolent language used by the commandant general to the American consul, in his correspondence with that officer on the subject of the right of the United States schooner Jefferson to enter the port of Santa Anna de Tamaulipas. After one or two interviews, the correspondence herewith enclosed took place between the acting Secretary of State and myself; and I beg you will have the kindness to furnish a copy of it to the commander of the United States squadron off the bar of Tampico; and he will be pleased to conform to the tenor of my note of the 25th instant, addressed to his excellency Jose Maria Ortiz Monasterio, the acting Minister of Foreign Affairs, unless he has positive orders to the contrary. The punishment of General Gregorio Gomez, the author of all this mischief, for his violent and indefensible acts, was insisted upon as a just preliminary to the final arrangement of this case.

I have the honor to be, sir, &c.,

POWHATAN ELLIS.

To George R. Robertson, Esq.,
*United States Consul, Tampico.*

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*Mr. Ellis to Mr. Forsyth.*

Legation of the United States of America,
*Mexico, July* 16, 1836.

Sir: I have the honor to enclose, herewith, a copy of the correspondence between Mr. Butler and the Mexican Secretary of Foreign Relations, in regard to the outrage offered to William A. Slacum, Esq., as bearer of despatches from the United States Government to this legation. My predecessor viewed the note of Mr. Monasterio, addressed to him under date of the 16th of March, 1836, as an ample apology for this palpable infraction of the law of nations; and I shall so consider it, unless I receive your instructions to the contrary.

I have the honor to be your obedient servant,

POWHATAN ELLIS.

Hon. John Forsyth,
*Secretary of State, Washington City.*

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*Mr. Butler to Mr. Monasterio.*

Legation of the U. S. of America,
*Mexico, March* 8, 1836.

The undersigned, chargé d'affaires of the United States of America, has the honor of enclosing to Mr. Monasterio a communication just received from Mr. William A. Slacum, an officer in our navy, and the bearer of despatches from the Government of the United States to this legation, in which he details the outrage and indignity offered to him by certain subordinate officers of the Mexican Government; outrages perpetrated not only against himself personally, but an indignity offered to the Government of the United States.

The facts in this case are so clearly and amply narrated by Mr. Slacum, in his communication to the undersigned, that the Mexican Government cannot fail to perceive the extent of the offence committed, nor can they be at a loss to determine as to the reparation due, not only to Mr. Slacum personally, but to the Government of the United States, for the indignity offered to it in the person of its officers and agents.

It cannot be necessary to cite authorities from the different treatises on national law, in order to show the respect due to the character and to the service of all persons employed as a bearer of despatches from a Government to its diplomatic agents, as it is presumed that the subject is familiar to Mr. Monasterio; the undersigned will, however, quote one paragraph from Vattel, the modern text-book on national law, to show the inviolability enjoyed by all persons employed by a Government as messengers with its official communications to its ministers abroad. Vattel says that "couriers sent or received by a minister, his papers, letters, and despatches, all essentially belong to the embassy, and are consequently to be held sacred; and this principle has received the universal assent of the civilized world. Hence, on all subjects to which the rule will apply, the authority is paramount and supreme. It can be no answer, then, to say that some municipial regulation exists which conflicts with the privileges granted by the universal rule of national law, and that the right of sending despatches has been, or may be, restrained or modified by a municipal regulation; because, in such event, the superior power would be ruled and influenced by the subordinate—presenting a political anomaly without a parallel."

The passport received by Slacum, from the Government of the United States of America, is herewith enclosed, and shows clearly as well the character of his mission as the objects of his journey to Mexico; and is in the usual form of such documents recognised and respected by the whole civilized world, and procuring for the bearer universally the respect, protection, and hospitality due to his character and the sacredness of the charge confided to him.

The undersigned renews to Mr. Monasterio, &c,

ANTHONY BUTLER.

His Ex. Jose Maria Ortiz Monasterio, &c.

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*Mr. Monasterio to Mr. Butler.*

[Translation.]

Palace of the National Government,
*Mexico, March* 16, 1836.

His excellency, the President *ad interim*, being charged with the note of Mr. Anthony Butler, of the 8th instant, and the documents which accompanied it, all relative to the arbitrary conduct pursued by some employees in the administration general of the post office towards Mr. William A. Slacum, bearer of despatches from the Government of the United States of America for the legation resident in this capital, has ordered the undersigned, chief clerk, charged with the despatch of the Department of Relations, to manifest to the chargé d'affaires of the said States the displeasure with which his excellency has seen the proceedings of the employees referred to; and that, desirous to shun a repetition of events of a like nature, and to make due satisfaction for the outrageous interference with Mr. Slacum, he has directed that these employees should be made to understand his disapprobation of their conduct, and how they should act in similar cases; taking care, beforehand, that they shall return to Mr. Butler the amount levied as a fine upon the bearer of despatches.

The undersigned, in complying with this supreme disposition, renews to Mr. Anthony Butler the assurances of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To Mr. Anthony Butler,
*Chargé d'Affaires of the U. S of America.*

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*Mr. Forsyth to Mr. Ellis.*

Department of State,
*Washington, July* 20, 1836.

Sir: The enclosed copies of letters to this Department from Mr. Coleman, the acting consul of the United States at Tabasco, will inform you of the outrageous conduct of the authorities there with regard to the officers, crew, and cargo of the schooner Northampton, wrecked on the Mexican coast in that quarter, and in relation to the acting consul himself.

The accumulation of causes for complaint on the part of our citizens against the Mexican Government, the frequency of their occurrence of late, and, so far as appears from the correspondence of your predecessors, the indisposition of that Government to inquire into them, to grant satisfaction for them, or to take proper steps to prevent their recurrence, have by no means tended to strengthen the spirit of forbearance with which the President has hitherto acted towards Mexico; entertaining, as he does, a sincere sympathy for her domestic troubles, and a hearty desire to preserve and cultivate the relations of peace, friendship, and good neighborhood with her Government and people. He is satisfied, however, that further delay in the acknowledgment, if not in the redress, of the injuries complained of, cannot be acquiesced in compatibly with the dignity, rights, and interests of the United States. He therefore directs that, in presenting to the notice of that Government the case of the Northampton, you will make a fresh appeal to its sense of honor and justice in relation to our claims generally; and, to show that the President's estimate of the grievances suffered by our citizens resorting to Mexico, especially since the conclusion of the treaty, is not exaggerated, your note will refer to the following cases, in which the interposition of this Government has been asked for since the 5th of April, 1832, and all of which either you or your predecessor has heretofore been instructed to bring to the notice of the Mexican Government.

On the 31st of December, 1831, an alcalde of Menotillan, in the colony of Guazcualco, instituted what is said to have been an illegal, arbitrary, and oppressive proceeding against Dr. Baldwin, a citizen of the United States, under color of a suit at law, preferred and carried on by a creature of the alcalde himself. Baldwin appeared before the alcalde to answer the charge; an altercation ensued; and the alcalde ordered him to the stocks, which Baldwin refusing to submit to, attempted to escape, and was pursued by a party of soldiers, who attended the court. In the race Baldwin fell, received an injury in one of his legs, was captured, carried back into the presence of the alcalde, placed in the stocks, and afterwards imprisoned.

In February, 1832, the schooner Topaz, of Bangor, Maine, was employed by the Mexican Government to carry troops from Matamoras to Galveston bay. The master and mate were murdered by the soldiers on the passage, the crew imprisoned, and the vessel seized and converted to the Mexican service.

On the 21st June, 1832, the American schooner Brazoria was seized in the port of Brazoria, by John Austin, the Mexican military commandant in that quarter, and employed to make an attack upon Anahuac, then in possession of insurgents. During the attack she was injured so as to be made unseaworthy, and was abandoned as a total loss, for which the underwriters have received no compensation.

In the summer of 1832, the steamboat Hidalgo and schooner Consolation, belonging to Aaron Leggett, of New York, were forcibly taken possession of by Mexican officers at Tabasco, and used by them. The brig John, belonging to Leggett, was also detained, and money was extorted from him. The consequences resulting from these acts are represented to have been ruinous to the sufferer, and the Mexican Government is clearly bound by the treaty to indemnify him for them.

In March, 1834, Captain McKeige, of the schooner Industry, of Mobile, was imprisoned at Tabasco, and an exhorbitant fine demanded of him without cause. The payment of the fine being made the only condition upon which he could be allowed to depart, he abandoned his vessel and her cargo to the authorities, who afterwards sold them.

In the summer of 1834, the brig Paragon, of New York, was causelessly fired into on her way to Vera Cruz by the Mexican public armed schooner Tampico. In answer to an official representation on the subject by Mr. Butler, that Government promised that the affair should be inquired into; but this Department is not informed that the promise has been fulfilled.

In the beginning of May, last year, the answer of officers supposed to belong to the custom-house, who boarded the Ophir, of New York, on her arrival at Campeachy, to an inquiry of the captain as to which of the ship's papers it would be necessary to present at the custom-house, was accidentally or intentionally misinterpreted. In consequence of this, notwithstanding all the papers were shown to the boarding officers, the invoices only being exhibited at the custom-house, the vessel was seized and condemned.

In May, 1835, also, the schooner Martha, from New Orleans, was seized at Galveston bay by the Mexican armed schooner Montezuma for an alleged non-compliance with some of the formalities of their revenue laws. Four of the passengers of the Martha were put in irons under the hatches of the Montezuma, and otherwise treated with great barbarity, merely for an imputed intention to use their fire-arms against a guard that had been placed on board the Martha.

In November, 1835, the schooner Hannah and Elizabeth of New Orleans, was stranded in attempting to enter Matagorda bay. While in this condition, she was fired into by the Mexican armed schooner Bravo, boarded by twenty armed soldiers under the command of two officers, who forcibly took the master, crew, and passengers from the wreck, pillaged them of most of their clothes, and chained them in the hold of the Bravo until their arrival at Matamoras, where they were continued in confinement; but through the urgent representations of our consul there, all but the captain were eventually released. It is not known to the Department that he has yet been liberated, or that any satisfaction has been offered by the Mexican Government.

On the 17th of February last, William Hallett and Zalmon Hull, citizens of the United States, were arrested in the streets of Matamoras by a party of armed soldiers, who struck Hull in the face with a sword, and forcibly took both to the principal barrack in that city, where they were confined upon suspicion of being about to proceed to Texas. Shortly afterwards, sentinels were placed at the doors of the consul's residence, under false pretences, and all communication with the house prohibited. Armed soldiers broke open his gate during his absence, forcibly took a mare and two mules belonging to him, entered his house with drawn swords, and searched every room in it, for the avowed object of finding the consul. Hallett and Hull have been released, but the Department is not aware that any reparation has been made for the proceedings against them, or for the insult to the consul.

In February last, an attempt was made at the city of Mexico to take from Mr. W. A. Slacum, protected by a courier's passport from this Department, public despatches of this Government, addressed to Mr. Butler. The attempt failed, but Mr. Slacum was fined and detained for carrying official letters on his person, authenticated by the endorsement of this Department, and directed to the chargé d'affaires of the United States in Mexico.

In March last, the schooner Eclipse was detained at Tabasco, and her master and crew maltreated by the authorities.

In April last, the brig Jane, schooner Compeer, and other merchant vessels of the United States, were forcibly detained at Matamoras.

You will also notify the Mexican Government that it is expected any damage which may have been sustained by citizens of the United States, in consequence of the recent embargo at Vera Cruz, Tampico, and other Mexican ports on the Gulf, will be repaired, pursuant to the stipulation in the treaty. The papers now sent, show that the military commandant of Tampico has made the embargo a pretext for interrupting or obstructing the correspondence between the commander of the United States revenue cutter Jefferson and our consul there. For these acts, proper satisfaction will likewise be expected. The outrages and indignities committed against consuls and other officers of the United States, though not more unjust nor attended with circumstances of greater hardships than those done to individual citizens, are nevertheless to be considered as greater violations of the rights of the United States, and to be represented accordingly.

Though the Department is not in possession of proof of all the circumstances of the wrongs done in the above cases, as represented by the aggrieved parties, yet the complaints are such as to entitle them to be listened to, and to justify a demand on the Mexican Government that they shall be promptly and properly examined, and that suitable redress shall be afforded. You will, therefore immediately address a strong but respectful representation to the Mexican Government on the subject of these various injuries. You will also remind it of the numerous other complaints which have been made from time to time, and which still remain unredressed. You will likewise set forth the great forbearance which the Government of the United States has practised towards Mexico, and the friendly and benevolent motives which have led to it; and you will state that the President, finding that this moderation and forbearance, so far from being appreciated by Mexico, seem only to be met by new injuries, is constrained, by a high sense of duty, to ask of the Mexican Government such reparation as these accumulated wrongs may, on examination, be found to require.

If, contrary to the President's hopes, no satisfactory answer shall be given to this just and reasonable demand within three weeks, you will inform the Mexican Government that, unless redress is afforded without unnecessary delay, your further residence in Mexico will be useless. If this state of things continues longer, you will give formal notice to the Mexican Government that, unless a satisfactory answer shall be given within a fortnight, you are instructed to ask for your passports; and, at the end of that time, if you do not receive such answer, it is the President's direction that you demand your passports and return to the United States, bringing with you the archives of the legation.

Mr. William A. Weaver, who is sent as a special messenger with this communication, you will detain until you can frame a full report to the Department, as to the state of the business of your mission, as well that under the charge of Mr. Butler as that intrusted to you. You will also send by the messenger, on his return, (if they can be prepared within a reasonable time,) copies of Mr. Butler's despatches, Nos. 14, 23, 52, 53, 54, 58, and 84, the originals of which were never received; and of all his correspondence with the Mexican Government and with others, on public business, so far as the records and files in the legation will allow you to do. Mr. Butler was repeatedly instructed to supply these papers, but the instructions have not been complied with. The expense of the transcripts required will be made a separate charge in your accounts, and will be accompanied by proper vouchers. During Mr. Weaver's necessary detention, you will avail yourself of his assistance in making the copies. He has received five hundred dollars on account of his expenses to Mexico. You will furnish him with a like sum to defray his expenses on his return to Washington, for which your draft on the Department will be honored.

I have the honor to be, sir, your obedient servant,

JOHN FORSYTH.

POWHATAN ELLIS, Esq.,
*Chargé d'Affaires U. S. A., Mexico.*

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*Mr. Coleman to Mr. Forsyth.*

CONSULATE U. S. AMERICA AT TABASCO,
*San Juan Batista, May* 18, 1836.

SIR: It becomes my duty, as vice consul, to make known to the Department the loss of the schooner Northampton, burden 68 38-95 tons, belonging to New York, William M. McKeige master. She was stranded about five leagues west of the Tabasco river, with a full assorted cargo on board for this market, the major part of which was safely landed by the officers and crew of said vessel. The loss to those interested would have been but trifling, had not the custom-house officers and military taken forcible possession of every article saved, as soon as they arrived at the wreck. The officers and crew of the schooner remonstrated against their violent and illegal proceedings, and they were immediately assaulted, and the mate was severely wounded by one of the custom-house officers; the goods were then abandoned to the said officers and soldiers, and they at once commenced plundering and secreting the most valuable articles. The officers and crew of the schooner proceeded to this city, and made a formal abandonment of the whole into my hands; and, at the same time, handed me a list of the goods actually saved from the wreck, as well as the manifest of the entire cargo. I took the necessary steps for the interest of those concerned. On taking possession, from the custom-house officers and soldiers, of the goods, I found that more than one half of the goods that were saved from the wreck, and left in the keeping of the custom-house officers and soldiers, had been disposed of by them, and no account given of the same. I represented the circumstance to the proper authorities, but could get no redress whatever; they wink at every outrage or depredation committed on American property by their under officers.

Since the commencement of the war in Texas, we have daily to submit to insult and injustice, not only from private citizens, but from the highest authorities; and there is no prospect of any change, except it be for worse treatment.

I have the honor to be, sir, your most obedient servant,

W. E. COLEMAN.

Hon. JOHN FORSYTH,
*Secretary of State, Washington.*

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*Extract of a letter from W. E. Coleman, Esq., acting consul of the United States at Tabasco, Mexico, to the Secretary of State, dated June* 6, 1836.

"About two weeks since, I was summoned before an alcalde of this city, and publicly insulted and ill-treated, and narrowly escaped imprisonment, because I refused to

legalize documents to effect insurance at New Orleans that were, in my opinion, drawn up to defraud the underwriters; they made many threats, and said they would do every thing that lay in their power to injure me the first opportunity.

"A short time previous to the above, an American sea captain was unjustly punished and fined by the city authorities. There was a move by one of the council to remit the fine; but the question was asked by another, to what country the captain belonged; and, on learning that he was a North American, they replied, 'that will do; we will not let pass an opportunity to punish these people.'

"I could fill a volume with facts of the tenor of the foregoing; but conceive the above representations sufficient to satisfy you of the state of things, and of the government of this *republic*. These acts of oppression are not commited by, nor at the instance of, the common people; but by the higher orders, and those in authority."

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*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE UNITED STATES OF AMERICA,
*Mexico, October* 11, 1836.

SIR: I herewith transmit to you a copy of my note of the 26th ultimo, addressed to his excellency the acting Minister of Foreign Affairs, in compliance with your instructions of the 20th July last, and his answer of the 3d instant.

In the discharge of this delicate and highly responsible duty, I have been influenced by an anxious desire to pursue the tenor and spirit of your instructions. I have carefully abstained from saying any thing that could be viewed as improper, under all the circumstances of the case; and I sincerely hope a returning sense of justice on the part of this Government will induce it to listen favorably to the communication thus presented for its serious deliberation.

The policy of this nation has been so uniform, since the recognition of her independence, in pursuing a long series of injuries, wantonly and illegally inflicted upon the commerce of every people coming within her reach, and without granting to the injured parties any satisfaction whatever, that it would seem to preclude all hope of a satisfactory adjustment of our claims. But, be assured, every possible exertion, consistent with the honor and interest of our country, shall be used to meet the views of the President of the United States on this subject. I shall endeavor, likewise, to impress upon the mind of his excellency the President *ad interim* of this republic, the propriety and justice of abandoning the policy heretofore practised towards citizens of the United States trading with Mexico, and the great advantages likely to result to both countries by effecting such a change. If, however, I should fail to attain this desirable object, (as will probably be the case,) your instructions relative to that event shall be promptly obeyed.

Duplicates of my despatches Nos. 19 and 20 are enclosed.

I have the honor to be, with great respect and regard, your obedient servant, POWHATAN ELLIS.

Hon. JOHN FORSYTH,
*Secretary of State, Washington city.*

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*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE U. S. OF AMERICA,
*Mexico, September* 26, 1836.

The undersigned, chargé d'affaires of the United States of America, has the honor to represent to his excellency the acting Minister of Foreign Affairs, that the schooner Northampton, burden nearly seventy tons, of and from New York, William M. McKeige master, stranded in the early part of the present year five leagues west of the Tabasco river, with a full and assorted cargo on board, the greater part of which was safely landed by the officers and crew of said vessel. The loss to those interested resulting from this accident would have been inconsiderable, had not the custom-house officers and military taken forcible possession of every article saved, as soon as they arrived at the wreck. Against so violent and illegal a proceeding, the officers and crew of the Northampton protested; whereupon they were immediately assaulted, and the mate severely wounded by one of the custom-house officers. After this occurrence, the goods were abandoned to the officers and soldiers aforesaid, who at once commenced plundering and secreting the most valuable articles belonging thereto. The officers and crew of the schooner then proceeded to the city of Tabasco, made a formal abandonment of the whole into the hands of the United States consul at that place, and furnished him with a list of the goods actually saved from the wreck, as well as a manifest of the entire cargo. On the consul's taking charge of the goods which had been left in possession of the custom-house officers and soldiers, not one-half of those saved from the wreck were delivered to him, nor was any account given of the balance. These circumstances were represented to the proper authorities in Tabasco, but they have, up to this moment, refused or neglected to give any explanation or redress to the injured parties.

Such illegal, violent, and arbitrary acts on the part of the officers of the Supreme Mexican Government, affecting so seriously the persons and property of those entitled to its protection, furnish a just cause of complaint; and the frequency of their recurrence of late, the indisposition of this Government to inquire into them, to grant satisfaction for them, or to take proper steps to prevent their recurrence, can by no means tend to strengthen that spirit of forbearance with which the President of the United States has hitherto acted towards Mexico; entertaining, as he does, a sincere sympathy for her domestic troubles, and an anxious desire to cultivate the relations of peace, friendship, and good neighborhood with her Government and people.

To satisfy your excellency that the above statement is based upon facts, the undersigned will refer to the following cases, a majority of which have heretofore been brought to the notice of this Government, and all of which have occurred since the conclusion of the treaty of amity, commerce, and navigation between the two countries.

On the 31st of December, 1831, an alcalde of Menotillan, on the Guazcualco river, instituted what is said to have been an illegal, arbitrary, and oppressive proceeding against Doctor John Baldwin, a citizen of the United States, under color of a suit at law preferred and carried on against him by a creature of the alcalde himself. Baldwin appeared before the alcalde to answer the charge: an altercation ensued, and the alcalde ordered him to the stocks; which Baldwin refusing to submit to, he attempted to escape, and was pursued by a party of armed soldiers who attended the court. In the race, Baldwin fell, received an injury in one of his legs, was captured, carried back into the presence of the court, placed in the stocks, and afterwards imprisoned.

In February, 1832, the schooner Topaz, of Bangor, Maine, was employed by the Mexican Government to carry troops from Matamoras to Galveston bay. The master and mate were murdered by the soldiers on the passage, the crew imprisoned, and the vessel seized and converted to the Mexican service.

On the 21st June, 1832, the American schooner Brazoria was seized in the port of Brazoria, by John Austin, the Mexican military commandant in that quarter, and employed to make an attack upon Anahuac, then in the possession of insurgents. During the attack, she was so

injured as to be rendered unseaworthy, and was subsequently abandoned as a total loss; for which the underwriters have received no compensation.

In the summer of 1832, the steamboat Hidalgo, and schooner Consolation, belonging to Mr. Leggett, were forcibly taken possession of by Mexican officers in Tabasco, and used by them for their own purposes. The brig John, belonging to the same gentleman, was also detained, and money extorted from him. The consequences resulting from these acts are represented to have been ruinous to the sufferer; and the Mexican Government is clearly bound, under the treaty, to indemnify him for them.

In March, 1834, Captain McKeige, of the schooner Industry, of Mobile, was imprisoned at Tabasco, and an exorbitant fine demanded of him without cause. The payment of this fine being made the only condition on which he could be allowed to depart, he abandoned his vessel and cargo to the authorities, who afterwards sold them.

In the summer of 1834, the brig Paragon, of New York, was causelessly fired into, on her way to Vera Cruz, by the Mexican armed schooner Tampico. In reply to an official representation on the subject by Mr. Butler, this Government promised that the affair should be inquired into; but there is no evidence that this promise has been complied with.

In the beginning of May, last year, the answer of an officer, supposed to belong to the custom-house, who boarded the brig Ophir, of New York, on her arrival at Campeachy, to an inquiry of the captain as to which of the ship's papers it would be necessary to present at the custom-house, was accidentally, or intentionally, misinterpreted. In consequence of this, notwithstanding all the papers were shown to the boarding officers, the invoices only being exhibited at the custom-house, the vessel was seized and condemned.

In May, 1835, also, the schooner Martha, from New Orleans, was seized at Galveston bay by the Mexican armed schooner Montezuma, for an alleged non-compliance with certain formalities of their revenue laws. Four of the passengers of the Martha were put in irons under the hatches of the Montezuma, and otherwise treated with great barbarity, because of an imputed intention to use their fire-arms against a guard that had been placed over them on board the Martha.

In November, 1835, the schooner Hannah Elizabeth, of New Orleans, was stranded on the bar in attempting to enter Matagorda bay. While in this condition, she was fired into by the Mexican armed schooner Bravo, boarded by twenty armed soldiers, under the command of two officers, who forcibly took the master, crew, and passengers from the wreck, pillaged them of most of their clothes, and chained them in the hold of the Bravo until their arrival at Matagorda, where they were continued in confinement. Through the urgent representations of the consul of the United States at that place, however, all but the captain were ultimately released; and although a respectful note was addressed to your excellency in relation to this transaction, under date of the 30th of May last, the undersigned has not been able to ascertain whether that unfortunate individual (the captain of the Hannah Elizabeth) still remains confined in the dungeons of the Bravo de Santiago, or whether any satisfaction has been offered for an outrage so daring.

On the 17th of February last, William Hallett and Zalmon Hull, citizens of the United States, were arrested in the streets of Matamoras by a party of armed soldiers, who struck Hull in the face with a sword, and forcibly took both to the principal barrack in that city, where they were confined upon suspicion of being about to proceed to Texas. Sentinels were placed at the doors of the consul's residence subsequent to the arrest of Hallett and Hull, under false pretences, and all communication therewith prohibited. Armed soldiers broke open his gate during his absence, forcibly took a mare and two mules belonging to him, entered his house with drawn swords, and searched every room in it, with the avowed object of finding the consul himself. Hallet and Hull have been released; but to the note addressed to your excellency on the 9th instant, on this subject, no satisfactory answer has been received.

The schooner Eclipse, Abner Lane, master, of Mobile, arrived off Tabasco in March last, with a cargo of lumber; and, on being boarded by an officer of the customs below the city, the captain delivered his papers, agreeably to the laws of Mexico; he was then ordered on shore, and there detained until the ensuing morning. At that time the officer alluded to made search of the vessel for contraband goods, and then sealed the hatches, forecastle, and bulkheads; which being done, a guard was left on board, and the vessel despatched up the river. On her passage up, she was visited by four or five boats that reported themselves as belonging to the custom-house; but they had no ensign or other mark to distinguish them as such. Each of these boats overhauled everything on board not under the custom house seal, and forcibly took the ship's provisions for their own use, leaving the crew on short allowance. After the arrival of the vessel at the city of Tabasco, additional guards were placed on board. The captain was then given to understand he might land his cargo; but on the following day the guard was again increased in number, and he was not permitted to discharge his vessel with her own crew—laborers having been sent from the shore to perform that duty, contrary to the captain's expressed wish. After the vessel was discharged, another unsuccessful search for contraband goods was instituted, in the prosecution of which the cabin and furniture were much broken and otherwise injured; notwithstanding all which, an exorbitant bill of expenses was presented to Captain Lane for discharging the vessel as aforesaid, and, upon his refusing to pay the same, and making a formal abandonment of the vessel, she was seized and he imprisoned. At the last advices received, the one still remained in close confinement, and the other fast moored in the river.

In April last, the brig Jane, the schooner Compeer, and other vessels of the United States, were forcibly detained for a length of time at Matamoras.

And in May last, the consul of the United States at Tabasco was summoned before an alclade of that city, and required by that functionary to authenticate public documents under the consular seal of his office. Upon his refusal to comply with this extraordinary demand, he was ill-treated, and threatened with imprisonment; the alclade thereby constituting himself an arbiter to decide upon the propriety of the discharge of duties confided to an officer bearing the commission of a foreign Power, to whom alone he is responsible for the faithful discharge of all his public obligations.

The flag of the United States has been repeatedly insulted and fired upon by the public armed vessels of this Government; her consuls, in almost every port of the republic, have been maltreated and insulted by the public authorities; her citizens, while in the pursuit of a lawful and peaceful trade, have been murdered on the high seas by a licentious and unrestrained soldiery. Others have been arrested and scourged in the streets, by the military, like common malefactors; they have been seized and imprisoned under the most frivolous pretexts; their property has been condemned and confiscated, in violation of existing treaties and the acknowledged laws of nations, and large sums of money have been exacted from them, contrary to all law. These acts of outrage and oppression, with the numerous other complaints which have been made, from time to time, and which still remain unredressed, have painfully impressed upon the mind of the Presi-

dent of the United States that the great moderation and forbearance which he has, on all occasions, practised towards Mexico, and the friendly and benevolent motives which have led to it, have not been properly appreciated; and he now feels himself constrained, by a high sense of duty, to ask of the Mexican Government such reparation as these accumulated wrongs may, on inquiry, be found to require.

The undersigned is also instructed to make known to your excellency that it is expected that any damage which may have been sustained by citizens of the United States, in consequence of the recent embargo at Vera Cruz, Tampico, and other Mexican ports on the Gulf, will be repaired, pursuant to the stipulations of the treaty.

The private claims, generally, of citizens of the United States, to a vast amount, arising out of flagrant violations of the laws of nations, have been made by my predecessors the subject of repeated and unavailing applications to this Government for adjustment. After these unexpected procrastinations in rendering justice to those who had been invited into the ports of the republic, under the most solemn guaranties of protection, it cannot be a matter of surprise that the United States should ask that their claims may be investigated, and acknowledged, if found to be correct. Every principle of international law, and of equity, requires that remuneration should be granted to the sufferers, who have been thus reduced to ruin and beggary by the unauthorized acts of men who have violated the laws and usages which regulate and control the commercial intercourse between all civilized nations. Such remuneration is due to that high sense of honor and justice which the undersigned confidently believes will ever animate the Mexican Government in maintaining those friendly relations which so happily exist between the two republics; and permit him to add, it is due to the honor, the interests, and the rights of his own country.

Many of the cases not enumerated, as well as those now particularly referred to, marked, as they are, by the strongest evidence of cruelty and injustice, cannot be made a matter of controversy at this time. The established principles of public law, governing the rights of those interested, are too clearly defined to leave a doubt upon the questions involved in a settlement of the claims now respectfully submitted to the consideration of the Mexican Government.

The undersigned cannot conclude this note without expressing his assured confidence that the enlightened and liberal views, and known sense of justice, of his excellency the President *ad interim* of the supreme Mexican Government, will impel him speedily to arrange, with entire satisfaction, these alleged causes of complaint against that Government.

The undersigned, therefore, in compliance with instructions from the President of the United States, demands that full reparation be made to all persons who have sustained injury in the several cases now set forth; that all private claims of citizens of the United States on this Government be promptly and properly examined, and suitable redress afforded; and that due satisfaction be given for the numerous insults offered to the officers and flag of the United States, as hereinbefore represented.

The undersigned improves the present opportunity to renew to Mr. Monasterio the assurance of his very distinguished consideration. POWHATAN ELLIS.

To his Excellency Jose Maria Ortis Monasterio,
*Acting Minister of Foreign Affairs.*

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*Mr. Monasterio to Mr. Ellis.*

[Translation.—Confidential.]

Department of Relations,
*Mexico, October* 3, 1836.

The undersigned has the honor to advise the Hon. Mr. Ellis, that he has duly received his note of the 26th ultimo, in which he asks that the Supreme Mexican Government should take into consideration the different subjects and reclamations therein mentioned; but as, in order to do so, it is necessary for the undersigned to examine the various documents touching the cases, some of which are of old dates, he has given instructions that they should be collected in the Department of State, so that an account of the whole may be presented to his excellency the President *ad interim*; the result of which will be communicated with all despatch to the Hon. Mr. Ellis: to whom, in the mean time, he renews the assurances of his very distinguished consideration.

JOSE MARIA ORTIZ MONASTERIO.

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*Mr. Ellis to Mr. Forsyth.—Extract.*

Legation of the United States of America,
*Mexico, October* 4, 1836.

Sir: I have the honor herewith to enclose to you the correspondence (marked A) between the acting Minister of Foreign Affairs and myself, in relation to the outrage committed on the American consul and two citizens of the United States at Matamoras. From the direction Mr. Monasterio was pleased to give my note on this subject, it was impossible to conjecture, from past experience, when a satisfactory answer would be received. I have, therefore, thought it proper to embrace this case in the enumerated causes of complaint presented to the Mexican Government on the 26th ultimo.

To the Hon. John Forsyth,
*Secretary of State, Washington City.*

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*Mr. Ellis to Mr. Monasterio.*

Legation of the United States of America,
*Mexico, September* 9, 1836.

The undersigned, chargé d'affaires of the United States of America, has the honor to represent to your excellency, that, on the 17th February last, William Hallet and Zalmon Hull, (the step-son of the consul of the United States at Matamoras,) citizens of the United States, were arrested in the street, near the habitation of the consul of said States, by a party of armed soldiers, who brutally struck Hull in the face with a sword, and forcibly took them to the principal barrack in the city of Matamoras, where they were confined as prisoners. A short time after this occurrence, sentinels were placed at the doors of the residence of the consul of the United States, and all communication therewith prohibited.

Armed soldiers broke open his gate during his absence, and forcibly took out of the enclosure of his private property one mare and two mules; and afterwards entered the house with drawn swords, to the great terror of the females of his family, and searched every room in the building with the avowed intention of finding the father of Mr. Hull.

From these facts, it is apparent the outrage committed has been attended with circumstances of injury and insult wholly inconsistent with those laws and regulations which govern the commercial intercourse between nations, and which have heretofore been the protection of consuls in all countries. Your excellency must be too well acquainted with these laws, not to be aware of the irregularity of the proceedings of the local authorities at Matamoras, in the instance alluded to, and that they are in violation of the rights of a Government on terms of amity with the United Mexican States.

The undersigned will, however, remark, that when consuls resident in a foreign country are received without express conditions, they must be considered as standing on the footing established by the common consent of all nations.

Custom and usage have ascertained and fixed their immunities, where it has not been done by conventional law; and any infraction of them is justly considered an indignity offered to the country whose commission the consul bears.

The undersigned, therefore, in compliance with instructions, demands reparation to the injured individuals hereinbefore mentioned, and due satisfaction for the insult offered to his Government in the perpetration of the arbitrary, and, he trusts, unauthorized acts of the commandant general of the department of Tamaulipas and New Leon.

The undersigned avails himself of this occasion to present to his excellency the acting Minister of Foreign Affairs, the assurance of his great respect and distinguished consideration.

POWHATAN ELLIS.

To his Excellency JOSE MARIA ORTIZ MONASTERIO,
*Acting Minister of Foreign Affairs.*

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*Mr. Monasterio to Mr. Ellis.*

[Translation.]

PALACE OF THE NATIONAL GOVERNMENT,
*Mexico, September* 19, 1836.

The undersigned, acting Minister of Foreign Affairs, has the honor to advise the Hon. Powhatan Ellis that his note of the 9th instant, relative to the outrages committed in Matamoras against the consul of the United States of America, and two other citizens of the same States, by a party of soldiers, has been this day transmitted to the Secretary of War, for such provisions as he may think fit to dictate in the case.

The undersigned engages to communicate to Mr. Ellis the resolution of the said Secretary of War, and in the mean time avails himself of the occasion to repeat to him the assurances of his very distinguished consideration.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,
*Chargé d'Affaires of the U. S. of America.*

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*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE U. S. OF AMERICA,
*Mexico, October* 5, 1836.

SIR: The enclosed correspondence (marked C) in reference to the proceedings had before the mercantile tribunal at Vera Cruz, in the case of the schooner Peter D. Vroom, wrecked near that port on the 19th of July last, will inform you of the course I deemed it necessary to pursue, with a view to protect the rights and interests of citizens of the United States, and to resist a manifest infraction of the well established principle of maritime law. What order the Supreme Mexican Government may take upon this matter, I am yet to learn; as my note under date of the 15th ultimo, representing this affair in its true light, has been transferred from the Foreign Office to the Minister of Grace and Justice; where, from the evasive policy of this Government, it may rest unnoticed as long as that referred to the Minister of War and Marine in the case of the Hannah Elizabeth.

The papers (D) show that the court of admiralty at Campeachy has violated an imperative duty under the stipulations of the treaty subsisting between the countries, to the injury of those interested in the case of the brig Aurora, wrecked on the coast of Sisal, and libelled in that court subsequent to her disaster. This Government complained of the conduct of the American consul in this case, and I immediately wrote to him for a full statement of the proceedings. His reply states that, on demand, the judge had refused to furnish him with a copy of the record; in consequence of which, the notes now enclosed passed between this legation and the acting Minister of Foreign Affairs.

I have the honor to be, sir, &c.,

POWHATAN ELLIS.

To the Hon. JOHN FORSYTH,
*Secretary of State, Washington city.*

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*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE U. S. OF AMERICA,
*Mexico, September* 15, 1836.

The undersigned, chargé d'affaires of the United States of America, has the honor to state, that the schooner Peter D. Vroom, E. F. Kelly, master, sailed from Philadelphia on the 12th of June, 1836, consigned to Crecencio Boves, Vera Cruz, and on the 19th of July next ensuing was wrecked on the coast forty miles above Vera Cruz. The captain, after taking every precaution to save the cargo of his vessel, came down to the place of his destination, and noted protest before the American consul, and appointed him agent to dispose of the cargo. This officer despatched vessels, and conveyed to Vera Cruz the whole of the said cargo saved from the wreck; and the same was tendered to the original consignee, who refused to accept it. Said consignee subsequently made a formal abandonment before the mercantile tribunal of Vera Cruz, who thereupon appointed him agent for the underwriters to dispose of the cargo for the benefit of those concerned. To the appointment of this, or any other agent, the American consul objected, and claimed the control of the business, after the rendition of the judgment of the court giving the order of sale. Crecencio Boves, however, renounced his agency for the sale of the cargo, and Manuel de Vega was appointed in his place, with the same powers, and for the same object: who proceeded, on the 30th of July, under an order of the mercantile tribunal, to sell the cargo in question, without the consul of the United States having received any official notice thereof. Against this sale the said consul protested.

From an examination of the facts in this case, your excellency will perceive that the mercantile tribunal of Vera Cruz exceeded its just authority, in withholding from the agent and consul of the United States that participation in the sale of the cargo of the Peter D. Vroom to which he was clearly entitled. It is a general duty imposed upon consuls of the United States, when vessels of the United States are stranded on the coasts of their consulates, to take proper measures for saving such vessels, their cargoes and appurtances, and, after deducting the charges and expenses accruing on the salvage, to deliver over the same to the owners. In the performance of this duty, in the case now under consideration, vessels were despatched to the assistance of the wreck, and that portion of the cargo not already destroyed was conveyed to Vera Cruz, and tendered, as before stated, to the consignee, Crecencio Boves; but he refused to receive it, and thereafter made a formal abandonment. In this state of the case, there being no owner or supercargo present, the master of the vessel, by a universally acknowledged principle of maritime law, became the agent for the owners and shippers, and had a right to take such steps as he might deem proper for the benefit of those interested. In the exercise of this right, conceded by the laws governing the commercial world, and guarantied to him by the seventh article of the treaty of amity, commerce, and navigation, between the United States of America and the United Mexican States, the undersigned is at a loss to conceive how the court of admiralty in Vera Cruz could have overlooked the first pretensions of the agent of the master to control the sale, and receive the proceeds arising therefrom, under the order of the court. If there could be any doubt in regard to the propriety of the course contended for by the consul, the following decrees of the Supreme Mexican Government itself will con-

clusively demonstrate it to be correct. The first, under date of the 26th of August, 1831, provides that "if a ship, galley, or other vessel, be stranded or wrecked, we order that the vessel, and all things that may be found appertaining thereto, be delivered to the person or persons to whom they belonged prior to damage." The second, under date of the 4th of October, 1835, declares: "To fulfil better the spirit and letter of 'la ley recopilado' on shipwrecks, which was ordered to be observed in a circular of the 26th of August last, his excellency the President has decreed that the judicial authorities who may have or take cognizance of the case, must deliver, with all formality, and with corresponding security, to the consignee or consignees, who may appear, the effects brought by the wrecked vessel; and, in case none should appear, or they should make abandonment in writing and in legal form, (to which effect they, the authorities, will take care to cite them,) the consignees, if they should be found in the same or distant parts, using for that purpose all the means that may be in conformity with equity and justice, the judge will cause the effects to be deposited in accordance with the consul or vice-consul of the nation to which the vessel belonged, if there be one; and in every case advice must be given to the Supreme Government, in order that this latter, if it be deemed convenient or necessary, may adopt such measures as exclusively belong to it. It is, however, understood, this is not to stay proceedings of sale and deposite of the product of the effects saved or damaged, and even of the vessel itself, if, after survey or information of witnesses, it should appear that they cannot be preserved without serious damage or risk of total loss." From the spirit and letter of these decrees, the undersigned is fully pursuaded it was the duty of the judicial tribunals in Vera Cruz to name the consul of the United States as agent to sell the cargo, and receive the proceeds, for the benefit of all concerned. It must be recollected that Mr. Boves, the consignee, formally abandoned; that there was no owner or supercargo present; and that, in contemplation of law, the master, E. F. Kelly, was agent for the owners and shippers, and had a right to appoint, as he did, an agent to act for him until the owners, shippers, and underwriters could be heard from. How, then, could the mercantile tribunal of Vera Cruz, having the degrees above quoted before them, deprive Mr. Burrough, as consul and agent, of his right to superintend the sale, and receive the proceeds thereof, under the direction of the proper authorities? He did not except to the jurisdiction of the court; nor could he, with propriety, say any thing against the highly intelligent and respectable gentleman, Don Manuel de Vega, named as agent by that tribunal; but he had a right to protest against the deposite of the proceeds arising from the sale in the hands of a person, contrary to the principles of maritime law, and the decrees of the Supreme Mexican Government.

The undersigned, in making these suggestions on the law arising out of the facts in this case, entertains the hope that his excellency José Maria Ortiz Monasterio will see the propriety of ordering the proceeds arising from the sale of the cargo of the schooner Peter D. Vroom to be paid over, with as little delay as possible, to the consul of the United States at Vera Cruz, the legal agent entitled to the same.

The undersigned has the honor to repeat to Mr. Monasterio the assurance of his very distinguished consideration.

POWHATAN ELLIS.

To his Ex. Jose Maria Ortiz Monasterio,
*Acting Minister of Foreign Affairs.*

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*Mr. Monasterio to Mr. Ellis.*

[Translation.]

Palace of the National Government,
*Mexico, September* 21, 1836.

The note of the honorable Powhatan Ellis, addressed to the undersigned, acting Minister of Foreign Affairs, under date of the 15th instant, upon the subject of the occurrences in relation to the sale of the cargo of the American schooner "Peter D. Vroom," which was wrecked on the coast some distance from the port of Vera Cruz, has been this day transferred to the Minister of Justice, as a subject coming within the province of his duties, agreeably to the instructions of his excellency the President *ad interim*; the result of which the undersigned will communicate to the honorable Mr. Ellis, to whom he is now prompted to renew the assurances of his very distinguished consideration.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. Powhatan Ellis,
*Chargé d'Affaires of the U. S. of America.*

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*Mr. Ellis to Mr. Monasterio.*

Legation of the United States of America,
*Mexico, September* 20, 1836.

The undersigned, chargé d'affaires of the United States of America, has the honor to inform your excellency that he has received an answer from the American consul at Campeachy, in reply to the note addressed to him in reference to the proceedings had in the admiralty court at that place, in the case of the brig Aurora, wrecked on the coast of Sisal. It appears, from his statement, that the judge of the district has, in direct contravention to the twenty-fifth article of the treaty now in full force between the two republics, refused, on demand, to give to the parties interested a copy of the judicial proceedings in the case in question, and that this prerequisite is indispensable to enable him to give a satisfactory statement of the whole transaction. His excellency José Maria Ortiz Monasterio is too well acquainted with the importance of such a document not to admit the necessity of its production, before a definite arrangement can be made on this subject. The undersigned, therefore, trusts that, with as little delay as possible, an order may be given to the court at Campeachy to furnish to the owners, or the agents of those interested, a full and complete record of the judicial proceedings had on the wreck of the brig Aurora.

The undersigned has the honor to acknowledge the receipt of Mr. Monasterio's note of the 19th instant; and improves the present occasion to assure him of his distinguished consideration.

POWHATAN ELLIS.

To his Ex. Jose Maria Ortiz Monasterio,
*Acting Minister of Foreign Affairs.*

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*Mr. Monasterio to Mr. Ellis.*

[Translation.]

Palace of the National Government,
*Mexico, September* 27, 1836.

The undersigned, acting Minister of Foreign Affairs, has the honor to inform the honorable Powhatan Ellis that his note of the 20th instant, relative to the case of the brig Aurora, has been transferred to the Minister of Justice, because it being a subject with which he is conversant, as one embraced within his peculiar functions, he will dictate all proper provisions, the results of which the undersigned will advise Mr. Ellis of; to whom he renews the assurances of his very distinguished consideration.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. Powhatan Ellis.
*Chargé d'Affaires U. S. of America.*

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*Mr. Ellis to Mr. Forsyth.—Extract.*

Legation of the United States of America,
*Mexico, October* 11, 1836.

Sir: As already intimated to you, I have little expec-

tation of a satisfactory adjustment of our claims on this Government. I shall, however, pursue, to the letter, your instructions on the subject, and advise you from time to time of such progress as I may make in the matter.

I have the honor to be, with high esteem, your obedient servant, POWHATAN ELLIS.

Hon. JOHN FORSYTH,
*Secretary of State, Washington city.*

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*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE UNITED STATES OF AMERICA,
*Mexico, October* 25, 1836.

SIR: I have the honor to transmit for your information a copy of my note of the 20th instant to the acting Minister of Foreign Affairs, on the subject of my letter addressed to him on the 26th ultimo, and his answer to the same. If I receive no further communication from the Government, I shall, in the course of two or three days, inform Mr. Monasterio of my intention to demand my passports at the expiration of two weeks, should a satisfactory answer be withheld in regard to the alleged causes of complaint against the Mexican Government.

I will again suggest, that I have no hope of a satisfactory adjustment of our affairs with this Government; yet every principle of justice would seem to require at the hands of the President of the United States that this matter should be pressed to a speedy and honorable conclusion.

With great respect, I have the honor to be, your obedient servant, POWHATAN ELLIS.

Hon. JOHN FORSYTH,
*Secretary of State, Washington city.*

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*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE U. S. OF AMERICA,
*Mexico, October* 20, 1836.

The undersigned, chargé d'affaires of the United States of America, asks permission to call the attention of your excellency to his note of the 26th ultimo.

In presenting so urgent a representation as he did on that occasion, of the wrongs of which his Government has such just cause to complain, the undersigned indulged the hope that a returning sense of juctice on the part of the Supreme Mexican Government would have induced it to enter into a speedy arrangement of all alleged causes of complaint against it; but he has seen with regret that his anticipations, thus far, have not been realized. He now has the honor to inform your excellency, that, unless redress is afforded without unnecessary delay in the several cases heretofore brought to the notice of this Government, the longer residence of the undersigned, as the representative of the Government of the United States of America, near that of Mexico, will be useless.

The undersigned avails himself of the opportunity thus presented to renew to your excellency the assurance of his undiminished personal esteem and distinguished consideration. POWHATAN ELLIS.

To his EX. JOSE MARIA ORTIZ MONASTERIO,
*Acting Minister of Foreign Affairs.*

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*Mr. Monasterio to Mr. Ellis.*

[Translation.]

PALACE OF THE NATIONAL GOVERNMENT,
*Mexico, October* 21, 1836.

The undersigned, acting Minister of Foreign Affairs, has seen with pain the note which the honorable Powhatan Ellis addressed to him yesterday, advising that, unless he received a prompt reply to that of the 26th ultimo, he should consider useless his residence in Mexico as the representative of the United States of America. The Government of the undersigned cannot understand how a delay in the reply to any note, however grave its subject may be, could be considered a sufficient cause for taking the step referred to—much more if it is recollected that the delay in such answer does not arise from any omission on the part of the minister, but from circumstances which it is not in his power to control. These circumstances in the present instance, as the undersigned has already had the honor to inform the honorable Mr. Ellis, owing to the neglect of his predecessors in the office at this time under his charge in some of the matters to which the note aforesaid of the 26th ultimo refers, are, the necessity of procuring documents from the offices of the other secretaries, and even from the Governments of the respective departments themselves; and the time, although it may be very precious, requisite to collect such documents, in order to examine deliberately the several points with which it is necessary to be conversant before replying to them in a manner called for by the interests of the nation, and the desire of the Supreme Government to render satisfaction to that of the United States in every case, supported by justice, among the reclamations which have been presented.

These observations cannot fail to have their due weight upon the consideration of the Hon. Powhatan Ellis; and as the undersigned had supposed he was previously impressed with them, the greater pain was caused that he should have imagined the Mexican Government had paid little attention to his note aforesaid, and that he should have manifested any intention to withdraw himself from the functions which he now exercises.

The undersigned, with the advice of his excellency the President *ad interim*, can do nothing more at this time than reassure the chargé d'affaires of the United States, that as soon as he can collect and examine all the necessary data, he will reply to the note in question. He has already made requisitions to this effect for those that are wanting. He will hasten their transmission to this office; and he protests that he will occupy himself exclusively with the affairs which the honorable Mr. Ellis has submitted to the consideration of the Supreme Government.

The undersigned avails himself of this opportunity to renew to his excellency the assurance of his very distinguished consideration and esteem.

JOSE MARIA ORTIZ MONASTERIO.

To the Hon. POWHATAN ELLIS,
*Chargé d'Affaires of the United States.*

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*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE UNITED STATES OF AMERICA,
*Mexico, November* 10, 1836.

SIR: I have the honor to enclose to you a copy of my note of the 4th instant, addressed to his excellency José Maria Ortiz Monasterio, acting Minister of Foreign Affairs, in compliance with your instructions of the 20th of July last. He has not answered this communication. You see by a reference to his note of the 21st ultimo, in answer to mine of the preceding day, that he designates no time at which he will be prepared to give the necessary explanations, and under such justice as may be deemed commensurate with the injuries complained of by the United States. Under such circumstances, the policy of this Government has not been such as to inspire me with entire confidence in their speedy and satisfactory adjustment of all our difficulties, and I could not feel myself justified in waiting upon them, until they might find it convenient hereafter to address me a more favorable note upon the subject. I am strongly inclined to believe that moment never will arrive, and that I may see you in Washington city before the end of January next.

I transmit a duplicate of my despatch No. 32, and have

the honor to be, with the greatest respect, your most obedient servant. POWHATAN ELLIS.

Hon. JOHN FORSYTH,
*Secretary of State, Washington City.*

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*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE U. STATES OF AMERICA,
*Mexico, November* 4, 1836.

The undersigned, chargé d'affaires of the United States of America, has the honor to represent to his excellency José Maria Ortiz Monasterio, acting Minister of Foreign Affairs, that he has witnessed, with the greatest pain and anxiety, the failure on the part of this Government to give a favorable response to his notes of the 26th of September and the 20th of October last past. In consequence of this state of things, he is instructed to make known to the Supreme Mexican Government, that unless a satisfactory answer be received within the space of two weeks from the date hereof, he is directed to demand his passports, and return to the United States.

The undersigned will take great pleasure in meeting your excellency at any time, to enter into an arrangement of the numerous causes of complaint against this Government by that of the United States of America; and he improves the present opportunity to renew to your excellency the assurance of his most distinguished consideration.

POWHATAN ELLIS.

To his Excellency JOSE MARIA ORTIZ MONASTERIO,
*Acting Minister of Foreign Affairs.*

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*Mr. Ellis to Mr. Forsyth.—Extract.*

LEGATION OF THE U. S. OF AMERICA,
*Mexico, November* 30, 1836.

SIR: * * * * * *

I have received from the acting Minister of Foreign Affairs an answer to my note of the 26th of September last, and it is wholly unsatisfactory. Unless something favorable should occur to produce a change of determination, I shall demand my passports in three or four days, and return to the United States.

I have the honor to be, with the greatest respect, your obedient servant, POWHATAN ELLIS.

Hon. JOHN FORSYTH,
*Secretary of State, Washington.*

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*Mr. Ellis to Mr. Forsyth.—Extract.*

*Mexico, December* 9, 1836.

SIR: * * * *

Mr. Gorostiza has arrived, and the Government paper announces that his conduct in the United States has been approved by the competent authority here.

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*Mr. Forsyth to Mr. Ellis.*

DEPARTMENT OF STATE,
*Washington, December* 10, 1836.

SIR: Mr. Gorostiza has, upon his own responsibility, terminated his extraordinary mission to the United States. The President will not belive that the Mexican Government is under the influence of the obvious prejudices which have distorted and discolored every object seen here in the view of their functionary. The full and frank explanations of his motives and purposes, in the precautionary means taken on the frontiers, should have satisfied that Government that nothing could be further from the President's intentions than to injure Mexico in her interests or in her honor. Under this conviction, he trusts that the departure of the extraordinary mission will, in no respect, interrupt the friendly relations between the two Governments; and he instructs me to say, that whatever feelings such a step was calculated to produce, it shall not be permitted to diminish his confidence in the amicable disposition of the Mexican Government, nor to operate in his mind prejudicially to its interests. Although the President supposes that the Mexican Government will have found, in the communications heretofore made by the Department to its envoy extraordinary, satisfactory grounds to justify the measure viewed so unfavorably by Mr. Gorostiza, yet his sincere and strong desire to prevent any misunderstanding on the subject induced him to determine, on the departure of that minister, to make such explanations as might prevent the Mexican Government from being misled into the adoption of the errors of their minister. Since my return to the seat of Government, the great pressure of other public business, and the condition of the President's health, have delayed until now the execution of that purpose.

So soon as the contest in Texas was found to be inevitable, it became the President's duty to consider its probable consequences to the United States, with a view to guard against the injuries it might produce to our citizens, and to the performance of the obligations of the Government to a friendly and neighboring Power. The more immediate danger was, that the contending parties might, in the struggle, find it necessary or convenient to seek, for advantage or protection, refuge on the territory of the United States; and that, being pursued by their adversaries, our soil might become the battle-ground for deciding the contest. Sufficient warning to both was therefore given, that this could not and would not be permitted. Subsequent events rendered any further precautionary steps in that regard unnecessary; but among the stipulations of Mexico and the United States to each other, was found one obliging each party to restrain the Indians within its dominions from all depredations upon the adjoining Power. The extent in which this provision was understood by Mexico will be seen by recurring to the complaints made to this Government, that some of the Indians on our side had crossed over, without even an allegation of its having been done with any hostile design towards Mexico. Without assenting to the claims of Mexico as to the extent of the obligations of the United States under the treaty stipulation, the President was duly sensible that it required decisive means on his part to prevent the Indians within the United States from entering into the quarrel in Texas. In addition to warning advice, given through our Indian agents, the presence of some of our troops was deemed indispensable to enforce, if necessary, the council given to them. The presence of this force was imperatively demanded to prevent evils which might arise from various other causes. The savage tribes, prone to war, within reach of the contending parties, were numerous; and, on the Mexican side, known to be under very imperfect control. These warlike tribes, without regard to the combatants, might be tempted to fall upon the frontiers of the United States or Mexico, hoping that their depredations might be imputed to the known parties in the war. One of the combatants, in the event of defeat, or to strengthen himself against the more potent adversary, might solicit, and, it was to be feared, might obtain, the active co-operation of some of the Indian tribes, whose conduct, when once in the field, it would be impracticable to regulate according to the rules of civilized warfare, or to the obligations of their allies—to respect the territory, the persons and property of neutrals. The distance of the scene of operations from the seat of Government compelled the Chief Magistrate to trust the discretionary power of using the troops to the commanding officer; yet, such care was taken in framing the order, given with the authority to act, that the President believed it scarcely possible that cause of just complaint could arise; yet, from extreme caution, and from an anxious desire to prevent the possibility of misconception on the part of

Mexico, the steps taken were immediately made known to the minister plenipotentiary of that country, with the most explicit specification of the objects for which, and for which alone, the discretionary power to the commanding officer on the frontier was given. The President did not doubt that, on the actual occurrence of any of the evils anticipated, or on satisfactory evidence of imminent danger of them, the commanding officer of the troops on the frontier had an indisputable right, in defence of the United States, or in protecting Mexican territory, according to the stipulation of the treaty, to occupy any position on either side of the line supposed to divide the two countries, which might be necessary to enable him to perform either of those duties. Yet, he deemed it proper, from the peculiar circumstances of the contest in Texas, to limit that discretion by special instructions to move towards the Mexican side only under a state of things which should make that step justifiable in the eyes even of those who were disposed to watch every movement on our part with suspicion and jealousy.

You will perceive that Mr. Gorostiza, in his conference with me, distinctly admitted our right, in the event of hostility to the United States by Mexican Indians, to invade the territory of Texas, either to prevent intended injury, or to punish actual depredation. In a note written subsequently, he seeks to avoid the force of that admission, by confounding the principle upon which it obviously rests with the right of making war for a violation of treaty engagements. You will find no difficulty in showing to the Mexican Government that it rests upon principles of the law of nations, entirely distinct from those on which war is justified—upon the immutable principles of self-defence—upon the principles which justify decisive measures of precaution to prevent irreparable evil to our own or to a neighboring people. The grossness of the error of placing it on the right of war, as also the folly of relying upon that mode of redress, you can render obvious, by supposing that hostilities were, under present circumstances on the frontier, about to begin, our fellow citizens, of all ages and classes, to be exposed to massacre, their property to destruction, and the whole frontier to be laid waste by those savages Mexico was bound to control. Until these evils happen, on Mr. Gorostiza's theory, we have no right to take a position which will enable us to act with effect; and, before we do act, according to our promises under the thirty-third article of the treaty, after the frontier has been desolated, we must demand redress of Mexico—wait for it to be refused—and then make war upon Mexico. We are quietly to suffer injuries we might prevent, in the expectation of redress—redress for irreparable injuries from Mexico, who did not inflict them, but who was, from circumstances, without the power to prevent, as she would be, after they were inflicted, without the power to redress them. To make war upon Mexico for this involuntary failure to comply with her obligations, would be equivalent to an attempt to convert her misfortunes into crimes—her inability into guilt. If these injuries had been committed, and our complaints made to Mexico, what answer could be given to declarations of the Mexican Government like these: "We had not power to prevent the evils of which you complain. Our inability to perform our promises was well known to you. It was your duty, having the means, to prevent these evils. We expected this would be done; and if, unwisely, you have suffered them to be inflicted upon you, while we regret infinitely what has occurred, we can only express our regret, and call upon you to consider that your vengeance should fall not on Mexico or her citizens, but upon the tribes who committed the cruelties on your frontiers, or upon the rebellious people (in Texas) by whom those tribes should have been restrained?" In determining upon the precautions authorized by him to avert evils that could not be repaired, to avoid the mockery of calling upon Mexico for redress for injuries it was out of her power to guard against, and the cruelty of seeking for satisfaction of weakness, which was due only from guilt, the President will not—cannot—believe that Mexico, in the present condition of affairs, will consider her character or interests in the slightest degree injured; and you will distinctly state to that Government that, until they have a force competent to perform the treaty stipulations near the frontier, he will be compelled to regard every indication of dissatisfaction as founded not upon the principles of national law, but on a groundless suspicion of the intentions of the United States.

I shall send, with this despatch, a copy of the President's message at the opening of Congress, from which you will be able to draw additional evidences of the just and amicable intentions of the Chief Magistrate. The President desires that you should give such explanations to the Mexican Government as these instructions will enable you to make; which, if received in the proper and friendly spirit in which they are offered, will, he trusts, remove all ground for doubts and anxieties, if any have been entertained on the subject.

It would be gratifying to the President, if this communication, which you will have to make to the Mexican Government, was limited to these explanations. Unfortunately, the conduct of its late minister extraordinary has made it necessary to touch upon even a more unpleasant topic. You will learn with astonishment that Mr. Gorostiza, while enjoying his diplomatic privilege, although after he had declared his mission at an end, published, on his own authority, a pamphlet (a copy of which is herewith sent to you) containing parts of his unpublished correspondence with this Department, and extracts from his letters to the Mexican Secretary of Foreign Relations, with a long introductory preface. The publication of his correspondence with the Department, without the authority of his Government, is believed to be unexampled in the history of diplomacy, and was not decorous to the Government of the United States. The extracts from his correspondence with his own Government, and his introduction to the whole, contain statements and comments defamatory of the Government and people of the United States, and obviously intended to injure the character of both, for honor and good faith, in the eyes of the world. This pamphlet, although not circulated generally among our citizens, was in the hands of editors of newspapers, who have published extracts from it; and the President has been informed that two copies of it were sent by its author, at the moment of his departure from the United States, to some, if not to all, the members of the foreign and diplomatic body accredited here. This act, still more extraordinary, because it almost immediately followed the communication of the President's intention to direct that explanations, which he believed would be satisfactory, should be made to the Mexican Government, has excited but one sentiment among those to whom it is known. In directing you to make known the publication of this pamphlet to the Mexican Government, the President does not doubt the truth of the declaration made by its author, that this publication was his own personal act, for which he had no authority from his Government; nor will he permit himself to suppose for an instant, that it will adopt or sanction conduct so glaringly violating all the decorum of diplomatic usage; so disrespectful to the Government and people of the United States; so unworthy the representative of a respectable Government; and so well calculated to interrupt the harmony and good will which ought to subsist between the United States and Mexico.

How far the character of the Mexican Government for decorum and justice, and an honorable desire to maintain a respectable rank among the civilized nations of the world, require a distinct manifestation of its just displeasure at such an extraordinary step, are questions that belong to itself alone to consider and decide.

In giving you this instruction to make known to the Mexican Government the conduct of its envoy, without a demand of reparation at its hands, the President is influenced, as well by the explicit disavowal of the envoy of all participation on the part of his Government in the act complained of, as by the sincere conviction, already expressed, that a step so reprehensible will not be countenanced by it. But if, contrary to all just expectation, the Mexican Government shall adopt that act, or give sanction to it, by approving of their minister's conduct, the continuance of diplomatic intercourse between the two countries can no longer be either useful or reputable to the United States. However painful may be the consequences, the honor of the American people requires the President to instruct you, as I now do, in that event, to demand your passports, and to return, forthwith, bringing with you all the archives of the legation, to the United States.

I have the honor to be, sir, your obedient servant,

JOHN FORSYTH.

POWHATAN ELLIS, Esq.,
*Chargé d'Affaires of the U. S. Mexico.*

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*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE U. STATES OF AMERICA,
*Mexico, December* 14, 1836.

SIR: I have the honor to inform you that I demanded my passports of this Government on the 13th instant, and shall repair to Washington city without delay. To the note, embracing this demand, I have as yet received no reply. The correspondence which led to this state of things I shall not be able to present to you previously to my return to the United States.

I am, sir, with great respect, your most obedient servant,

POWHATAN ELLIS.

Hon. JOHN FORSYTH,
*Secretary of State, Washington city.*

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*Mr. Ellis to Mr. Forsyth.—Extract.*

LEGATION OF THE U. STATES OF AMERICA,
*Mexico, December* 21, 1836.

SIR: * * * * * *

I have not received an answer to my note of the 7th instant, demanding my passports of this Government, with a view to return to the United States.* To-morrow I shall address a second note to the acting Minister of Foreign Affairs, demanding them within a given time; and if they are not sent to me, I shall leave this capital without them.

I am fully persuaded that nothing but a prompt, firm, and decisive course of action on the part of the Congress of the United States will induce these people to adjust the subjects of controversy between the two Governments. * * * * * *

Hon. JOHN FORSYTH,
*Secretary of State, Washington city.*

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*Mr. Perrine to Mr. Ellis.*

CONSULATE OF THE UNITED STATES OF AMERICA,
*Campeachy, October* 4, 1836.

SIR: I transmit to you copies of two official letters to the gefe politico of this city, to neither of which have I yet received any written reply; nor has either the American seaman been delivered, or his protection been returned to me. The gefe politico professes to be as friendly and grateful to me as any Mexican can be to an American. He has verbally told me several times that he was doing all in his power to obtain said American seaman, by writing to the commander, and by even visiting the squadron; that the officers have falsely assured him that the sailor had been sent ashore; and that he was only waiting for his arrival to return said sailor and his protection to me, with an official reply to my communication. As, however, I know these people too well to believe that said sailor will be released, and as I am informed that several other American seamen are also impressed into the Mexican service to fight the Texians, I write this communication with the hope that you will obtain an order from the Mexican Government to have all such Americans set at liberty, to prohibit any further impressment of our sailors, and to punish all their guilty oppressors, past, present, and future.

I have the honor to be, very respectfully, your obedient servant,

HENRY PERRINE.

Hon. POWHATAN ELLIS,
*American Minister in Mexico.*

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*Mr. Borrough to Mr. Forsyth.*

CONSULATE OF THE U. STATES OF AMERICA,
*Vera Cruz, November* 22, 1836.

SIR: It becomes my duty to reveal to you the facts of an outrage, not less monstrous in principle than, perhaps, grave in its consequences, committed by the authorities of the Mexican Government in this place on the persons of citizens of the United States, composing a part of the naval force of the United States Government.

The United States ship Natchez, under the command of Master Commandant Mervine, and to which the subjects referred to were attached, arrived at this port on the 25th of October, and came to anchor, as usual, near the "Island Sacrificios." On the following day, at an hour previously stipulated by the authorities, the customary civilities of friendly Powers were interchanged. The officers of the ship now honored us with occasional visits, disposing of their boat's crew, when at the city, as circumstances rendered necessary and convenient.

It was on the 2d instant that Mr. Renshaw, passed midshipman, belonging to the said ship Natchez, arrived at the mole, and who soon after appeared at my office, bearing a note from Captain Mervine to my address. This being presented, he informed me that he should return in the course of half an hour and take charge of any letters that I might require him to carry to the ship. Scarcely fifteen minutes had elapsed when a gentleman called and desired me, for "God's sake to hasten to the mole;" that the boat's crew of the American man-of-war were attacked and being murdered by the Mexican soldiery—the guard at the gate; that several of the men were already much injured, if not actually killed. I quickly repaired to the mole, where I beheld *two* of the boat's crew of the United States ship Natchez prostrate; and from the evidences of personal violence, (their bodies being literally covered with blood,) I supposed the vital spark extinct; and therefore proceeded to the boat lying at a short distance from them, and in which I discovered *six* other seamen belonging to the said ship. They were somewhat intoxicated, and also showed marks of a personal combat, and who were writhing under the wounds which I was informed they had received from the Mexican soldiery, boatmen, and others of the country, and by whom it appears they had been attacked; the former using, in the conflict, their cutlasses and bayoneted muskets, whilst the latter assailed them with fragments of stone, clubs, knives, and such other missiles as chance had thrown in their way.

By this time a number of soldiers had collected, and among whom were likewise officers, occupying a position near the boat of the Natchez, the former having their

* The note of the 7th was not sent into the Office of Foreign Relations until the 13th, in consequence of the copy of it not having been completed, and the intervention of three successive feast days, which prevented the transaction of public business.

deadly weapons, their arms poised in the direction of the crew, and the officers, with swords in hand, all apparently much excited. The seamen were at this time quiescent, under the charge of Mr. Renshaw, who had reached the mole some minutes previous to my arrival, and to whom it is just to say, that his officer-like conduct, on this occasion, reflects on him the highest credit, and to whose authority the seamen at once yielded, but on whom I was apprehensive that the soldiery would have fired, and which there is reason to believe was meditated, and would have been tacitly sanctioned by the officer of the guard, had Don Manuel Rodriguez, the captain of the port, at this awful juncture, not interposed his authority; who, being moved by feelings of humanity, not less than of justice, in behalf of the already half-murdered crew, averted the bloody deed.

It may not be amiss, perhaps, in this place, to state, that I am informed the above-named officer entertains the opinion, in common with many of his countrymen, not influenced by prejudice, admitting the military tribunal to be *ex officio* empowered to take cognizance of the affair in question—a point which *he* is unwilling to concede. *No charges* of a magnitude worthy the notice of the Mexican Government *can, or ought, in anywise,* to rest against the boat's crew of the Natchez.

Returning to the more pertinent points of our subject: it being conceived by Mr. Renshaw, and justly so, that the seamen were incapacitated for duty, being maimed and otherwise disabled, and that it would be jeopardizing the lives of all to embark for the ship, the weather being boisterous, and a heavy sea running, he appealed to me, asking how, or in what manner, he should dispose of his men? Apprehending the consequences of any renewal of hostilities, and as a measure of necessity, for the personal security of the said boat's crew against further violence, I recommended their being, for the present, placed in charge of the captain of the port, and to whose care, at the request of Mr. Renshaw, they were accordingly intrusted for safe-keeping, subject to the order of Mr. R.; and all of whom, with the exception of *two*, were put in temporary confinement. These, being badly wounded, were sent to the hospital for the benefit of surgical aid.

At an early hour next morning, an officer arrived from the ship Natchez, and who was the bearer of a letter from the commander, addressed to the commandant of marine at this place, expressive of his regret at the occurrence of the previous day, and in which he assured the commandant of marine "that, on an investigation of the affair, if it should appear that the boat's crew of the ship Natchez, under his command, were the aggressors in the case, they should receive condign punishment."

This letter being presented, was *read* and *returned* to the commander of the Natchez, with a verbal message from General Vasquez, the then military commandant of the State, and to whom it had been submitted by the authority of the Marine Department.

An application being made to the captain of the port for the release of the seamen, I received for answer, that "an order having been issued from superior authority to detain them, he regretted not having it in his power to comply with my request." I now waited on the military commandant general in regard to the men, who informed me that the "mariners, my countrymen," "whose liberation was asked, had outraged the laws of the Mexican republic; had assaulted the military guard at the mole; and for which offence, the penalty, by the criminal code of Mexico, was a sentence to at least six years' hard labor in the public streets, and to which they would be condemned and made to suffer, should the charges be substantiated;" and who accordingly refused to order the liberation of the said seamen.

The commander of the United States ship Natchez now addressed a communication to the above-mentioned authority, under cover of note from this consulate, protesting against the detention of said seamen, and demanding their liberation, but which was disregarded by the aforesaid authority.

Captain Mervine, not being able to obtain the release of the boat's crew of the ship under his command, unlawfully detained by the authorities of this place, left for Pensacola, via Tampico, on the 10th of this month.

I have to inform you that the seamen still remain in prison, and whose fate and final destiny must depend on the Government of the United States, or such measures as may be adopted by the representative of the United States at the city of Mexico for their liberation.

I have the honor to inform you that the facts, as detailed, have been submitted officially to the notice of the charge d'affaires of the United States at the capital of this republic, and who has been pleased to say that he will do all in his power to procure the release of the American seamen held in confinement by the arbitrary acts of the authorities of Vera Cruz.

I deem it proper to state, that all communication with the said mariners has been precluded me. Three several notes, addressed to the highest functionary of the local Government, requesting permission to visit them, and to minister to their comfort, have been written; all which has been denied me: thus contravening my official immunities to the prejudice of citizens of the United States shut up within the walls of a damp and loathsome prison, and who are enduring all the pains, privations, and sufferings of mind and body, incident to a state of incertitude and inquisitorial discipline.

With the assurance of my high respect, I have the honor to be, sir, your obedient servant.

M. BURROUGH.

The Hon. JOHN FORSYTH,
*Department of State, Washington.*

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*Mr. Burrough to Mr. Forsyth.—Extract.*

CONSULATE OF THE UNITED STATES OF AMERICA,
*Vera Cruz, December* 1, 1836.

SIR: My respects to the Department, No. 51, will have apprized you of a recent outrage committed on the persons of citizens of the United States at this place.

The sufferers on the occasion were James Hover, Henry Hebert, Richard Freeman, Daniel Groves, John Williams, Samuel Long, John Davis, and Samuel Molden, of and belonging to the United States sloop of war Natchez, and who have been detained and imprisoned by the authorities of this Government, to the prejudice of the public service of the United States, without any just cause for the arbitrary measures pursued.

I have now the gratification to state that the above mentioned seamen were released from confinement on the 25th ultimo, and delivered to the charge of this consulate, and who are retained at the expense of the United States, subject to the order of Commodore Dallas.

I regret to add, that the health of the aforementioned mariners is much impaired, not only from the wounds received from the Mexican soldiery on the morning of the 2d November, but from their subsequent confinement in a humid and loathsome prison, (appropriated to convicts,) for the period of twenty-three days, on a short allowance of food.

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I have the honor to be, sir, most respectfully, your obedient servant.

M. BURROUGH.

The Hon. JOHN FORSYTH,
*Department of State, Washington.*

*Mr. Ellis to Mr. Forsyth.—Extract.*

LEGATION OF THE UNITED STATES OF AMERICA,
*Mexico, September* 7, 1836.

SIR:

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After a strong opposition on the part of the foreign merchants residents in this capital, the forced loan authorized by an act of Congress of the 16th of June last has been ultimately enforced. In general, they permitted their stores to be embargoed, and their goods to be seized, to an extent sufficient to cover the amount of the loan apportioned to each, and the expenses of the embargo; at the same time, citizens of the United States, by my instructions, formally protesting against the right of this Government to levy such contributions on them. As it is contemplated by the American merchants who have suffered by this measure to enter a claim for satisfaction against the Mexican Government, I shall be pleased to receive from you, at your earliest leisure, instructions as to the course I ought to pursue.

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I have the honor to be, with every respect, sir, your obedient servant, POWHATAN ELLIS.

To the Hon. JOHN FORSYTH,
*Secretary of State, Washington city.*

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*Mr. Forsyth to Mr. Ellis.*

DEPARTMET OF STATE,
*Washington December* 20, 1836.

SIR: With regard to the forced loan authorized by an act of the Mexican Congress of the 16th June last, I am directed to instruct you that, if the exaction which that Government made by it were a mere tax or contribution levied upon the inhabitants generally, our citizens resident in Mexico would have no right to complain, as they are subjected to such charges by the treaty. If, however, in its execution, (as from No. 18 appears to have been the case,) the law should be construed to authorize a loan or *contract*, really compulsory, you will persist, in conformity with the instructions heretofore given you, in demanding redress. Where practicable, this might be afforded by a return of the property taken, in kind; and where not, by the payment of the value in money, with full indemnity, in either case, for the damages sustained.

I have the honor to be, sir, your obedient servant,
JOHN FORSYTH.

POWHATAN ELLIS, Esq.,
*Chargé d'Affairs of the United States, Mexico.*

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*Mr. Ellis to Mr. Forsyth.*

LEGATION OF THE UNITED STATES OF AMERICA,
*Mexico, October* 15, 1836.

SIR: I have the honor herewith to transmit to you a copy of my note to his excellency Jose Maria Ortiz Monasterio, acting Minister of Foreign Affairs, in relation to an outrage recently committed on the flag of the United States by the Mexican authorities in Vera Cruz. The accompanying copy of a letter from Marmaduke Burrough, Esq., our consul at that place, contains the information upon which I acted.

These renewed and aggravated instances of insult and aggression on the flag of a friendly Power, I trust will receive the marked reprehension of the President of United States. So long as they are suffered to pass by without notice, so long will they be continued by a people who have heretofore shown but little respect to the rights of others.

I have not heard from the Minister of Foreign Affairs since his note of the 3d instant, addressed to me in reply to mine of the 26th ultimo.

I have the honor to be, with great respect, your obedient servant. POWHATAN ELLIS.

Hon. JOHN FORSYTH,
*Secretary of State, Washington city.*

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*Mr. Burrough to Mr. Ellis.*

CONSULATE OF THE U. STATES OF AMERICA,
*Vera Cruz, October* 8, 1836.

SIR: I have to inform you that outrages of a serious character have this day been committed by the Government authorities of Vera Cruz, on the flag of the United States. The American brig Fourth-of-July, of Baltimore, whereof Shubael G. Rogers is master, was this morning taken forcible possession of by officers of this Government; the master placed under guard, and finally, with his officers and crew, driven on shore. The Mexican flag was hoisted, under the fire of a gun, at 1 P. M.

The master, I take occasion to state, has not signed, as yet, any bill of sale or other document of conveyance; the consignee and agent of this Government for the purchase of the said vessel, being unprepared to comply with all the requisitions indicated in the letter of instructions which the master bears, as vendor, from the owner, Mr. Edmund Didier, of the city of Baltimore.

The said master has entered protest before me against the proceedings had by the Mexican authorities; and how the case will terminate, is yet doubtful. Fortunately, the United States ship Boston is still in port, and, at my request, will remain a day or two longer. I shall confer with the commander of the Boston in this case, and furnish him with copies of the depositions of Captain Rogers and his officers; and may have it in my power to give you further information on the subject in my next.

I have the honor to be, sir, most respectfully your obedient servant, M. BURROUGH.

Hon. POWHATAN ELLIS,
*Chargé d'Affaires United States at Mexico.*

P. S. Captain Rogers has put into my hands the amount claimed for payment of seamen, as required by the act of Congress of the 28th of February, 1803, in relation to discharge of seamen in a foreign port; but who has, agreeably to the ship's roll and shipping articles of the brig Fourth-of-July, violated the requisitions of the first section of the above act referred to in your official communication of the 1st instant. M. B.

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*Mr. Ellis to Mr. Monasterio.*

LEGATION OF THE UNITED STATES OF AMERICA,
*Mexico, October* 14, 1836.

The undersigned, chargé d'affaires of the United States of America, begs leave to represent to your excellency that he is advised by the consul of the United States at Vera Cruz, that, on the 8th instant, certain Mexican officers boarded the American brig Fourth-of-July, of Baltimore, S. C. Rogers, master, then lying at anchor in the port of Vera Cruz: forcibly took possession of her, placed the captain under guard, and finally compelled him and his crew to go on shore; at the same time supplanting the flag of the United States and hoisting that of this nation, under the firing of artillery.

The undersigned will refrain from making any comment on this extraordinary and unexpected outrage committed on the flag of his country, under a full conviction that the acts were perpetrated without the knowledge or authority of this Government. He will, however, remark, that your excellency must at once see the enormity of the offence, as well as the measure of redress expected under such cir-

cumstances. He, therefore, in noticing this case, feels it to be his duty to demand of the Mexican Government the immediate restoration of the vessel in question, with damages for her detention; the prompt and exemplary punishment of the author of such lawless proceedings, and due satisfaction for the indignity offered to the United States in the forcible and arbitrary seizure of one of her vessels, without any just excuse whatever.

The undersigned profits of this occasion to offer to Mr. Monasterio the assurance of his personal esteem and very distinguished consideration. POWHATAN ELLIS.

To his Excellency

JOSE MARIA ORTIZ MONASTERIO,
*Acting Minister of Foreign Affairs.*

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*Mr. Forsyth to Mr. Ellis.—Extract.*

DEPARTMENT OF STATE,
*Washington, December* 9, 1836.

SIR:

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With regard to the affair brought to the notice of the Department in your No. 29, I have to state that the Navy Department is in possession of information that the owners of the brig Fourth-of-July are content. You will consequently desist from claiming her, or damages for her detention, as American property. The circumstances, however, under which the vessel is represented to have been seized by the Mexican authorities, afford such strong presumptive proof of a design on their part to insult the flag of the United States, that you will, on that point, press for proper satisfaction. Acts of that character, proceeding from whatever motive, cannot be overlooked by this Government.

I have the honor to be, sir, your obedient servant,
JOHN FORSYTH.

POWHATAN ELLIS, Esq.,
*Chargé d' Affaires of the United States, Mexico.*

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*Mr. Ellis to Mr. Forsyth.*

UNITED STATES SHIP BOSTON,
*Balize, January* 12. 1837.

SIR: I avail myself of an opportunity which presents itself at this moment, to advise you that I took my departure from the Mexican capital on the 28th ultimo, and shall use every exertion to reach Washington city, with the archives of the legation, by the 1st of February.

I have the honor to be, with great respect, your most obedient servant, POWHATAN ELLIS.

Hon. JOHN FORSYTH,
*Secretary of State, Washington City.*

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## PRESIDENT OF THE REPUBLIC OF MEXICO.

*Message from the President of the United States, transmitting his correspondence with General Santa Anna, President of the Republic of Mexico, in compliance with a resolution of the Senate of the 16th instant. January* 1, 1837, *read, and ordered to be printed.*

*To the Senate of the United States:*

In compliance with the resolution of the Senate, dated the 16th instant, I transmit a copy and a translation of a letter addressed to me on the 4th of July last, by the President of the Mexican Republic, and a copy of my reply to the same, on the 4th of September. No other communication upon the subject of the resolution referred to has been made to the Executive by any other foreign Government, or by any person claiming to act in behalf of Mexico. ANDREW JACKSON.

WASHINGTON, *January* 18, 1837.

*The President of the Mexican Republic to the President of the United States.*

[Translation.]

COLUMBIA, (*in Texas,*) *July* 4, 1836.

MUCH ESTEEMED SIR: In fulfilment of the duties which patriotism and honor impose upon a public man, I came to this country at the head of six thousand Mexicans. The chances of war, made inevitable by circumstances, reduced me to the condition of a prisoner, in which I still remain, as you may have already learned. The disposition evinced by General Samuel Houston, the commander-in-chief of the Texian army, and by his successor, General Thomas J. Rusk, for the termination of the war, the decision of the President and Cabinet of Texas in favor of a proper compromise between the contending parties, and my own conviction, produced the conventions of which I send you copies enclosed, and the orders given by me to General Filisola, my second in command, to retire from the river Brasos, where he was posted, to the other side of the river Bravo del Norte.

As there was no doubt that General Filisola would religiously comply, as far as concerned himself, the President and cabinet agreed that I should set off for Mexico, in order to fulfil the other engagements; and, with that intent, I embarked on board the schooner Invincible, which was to carry me to the port of Vera Cruz. Unfortunately, however, some indiscreet persons raised a mob, which obliged the authorities to have me landed by force and brought back into strict captivity. This incident has prevented me from going to Mexico, where I should otherwise have arrived early in last month; and, in consequence of it, the Government of that country, doubtless ignorant of what has occurred, has withdrawn the command of the army from General Filisola, and has ordered his successor, General Urrea, to continue its operations: in obedience to which order, that general is, according to the latest accounts, already at the river Nueces. In vain have some reflecting and worthy men endeavored to demonstrate the necessity of moderation, and of my going to Mexico according to the convention; but the excitement of the public mind has increased with the return of the Mexican army to Texas. Such is the state of things here at present. The continuation of the war, and of its disasters, is, therefore, inevitable, unless the voice of reason be heard in proper time from the mouth of some powerful individual. It appears to me that you, sir, have it in your power to perform this good office, by interfering in favor of the execution of the said convention, which shall be strictly fulfilled on my part. When I offered to treat with this Government, I was convinced that it was useless for Mexico to continue the war. I have acquired exact information respecting this country, which I did not possess four months ago. I have too much zeal for the interests of my country, to wish for any thing which is not compatible with them. Being always ready to sacrifice myself for its glory and advantage, I never would have hesitated to subject myself to torments or death, rather than consent to any compromise, if Mexico could thereby have obtained the slightest benefit. I am firmly convinced that it is proper to terminate this question by political negotiation. That conviction alone determined me sincerely to agree to what has been stipulated; and, in the same spirit, I make to you this frank declaration. Be pleased, sir, to favor me by a like confidence on your part; afford me the satisfaction of avoiding approaching evils, and of contributing to that good which my heart advises. Let us enter into negotiations, by which the friendship between your nation and the Mexican may be strengthened, both being amicably engaged in giving being and stability to a people who are desirous of appearing in the political world, and who, under the protection of the two nations, will attain its object within a few years.

The Mexicans are magnanimous when treated with consideration. I will clearly set before them the proper and humane reasons which require noble and frank conduct on their part, and I doubt not that they will act thus as soon as they have been convinced.

By what I have here submitted, you will see the sentiments which animate me, and with which I remain your most humble and obedient servant,

ANTONIO LOPEZ DE SANTA ANNA.

To his Excellency General ANDREW JACKSON,
*President of the United States of America.*

*The President of the United States to the President of the Mexican Republic.*

HERMITAGE, *September* 4, 1836.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th of July last, which has been forwarded to me by General Samuel Houston, under cover of one from him, transmitted by an express from General Gaines, who is in command of the United States forces on the Texian frontier. The great object of these communications appears to be to put an end to the disasters which necessarily attend the civil war now raging in Texas, and asking the interposition of the United States in furthering so humane and desirable a purpose. That any well-intended effort of yours in aid of this object should have been defeated, is calculated to excite the regret of all who justly appreciate the blessings of peace, and who take an interest in the causes which contribute to the prosperity of Mexico in her domestic as well as her foreign relations.

The Government of the United States is ever anxious to cultivate peace and friendship with all nations, but it proceeds on the principle that all nations have the right to alter, amend, or change their own Government as the sovereign power (the people) may direct. In this respect, it never interferes with the policy of other Powers, nor can it permit any on the part of others with its internal policy. Consistently with this principle, whatever we can do to restore peace between contending nations, or remove the causes of misunderstanding, is cheerfully at the service of those who are willing to rely upon our good offices as a friend or mediator.

In reference, however, to the agreement which you, as the representative of Mexico, have made with Texas, and which invites the interposition of the United States, you will at once see that we are forbidden by the character of the communications made to us through the Mexican minister, from considering it. That Government has notified us that, as long as you are a prisoner, no act of yours will be regarded as binding by the Mexican authorities. Under these circumstances, it will be manifest to you that good faith to Mexico, as well as the general principle to which I have adverted as forming the basis of our intercourse with all foreign Powers, make it impossible for me to take any step like that you have anticipated. If, however, Mexico should signify her willingness to avail herself of our good offices in bringing about the desirable result you have described, nothing could give me more pleasure than to devote my best services to it To be instrumental in terminating the evils of civil war, and in substituting in their stead the blessings of peace, is a divine privilege. Every Government and the people of all countries should feel it their highest happiness to enjoy an opportunity of thus manifesting their love of each other, and their interest in the general principles which apply to them all as members of the common family of man.

Your letter, and that of General Houston, commander-in-chief of the Texian army, will be made the basis of an early interview with the Mexican minister at Washington. They will hasten my return to Washington, to which place I will set out in a few days, expecting to reach it by the 1st of October. In the mean time, I hope Mexico and Texas, feeling that war is the greatest of calamities, will pause before another campaign is undertaken, and can add to the number of those scenes of bloodshed which have already marked the progress of their contest, and have given so much pain to their Christian friends throughout the world.

This is sent under cover to General Houston, who will give it a safe conveyance to you.

I am, very respectfully, your obedient servant,

ANDREW JACKSON.

To General ANTONIO LOPEZ DE SANTA ANNA.

## BRIGS ENCOMIUM AND ENTERPRISE.

*Message from the President of the United States, in compliance with a resolution of the Senate, with copies of correspondence in relation to the seizure of slaves on board the brigs "Encomium" and "Enterprise." February* 14, 1837. *Read and ordered to be printed.*

*To the Senate of the United States:*

I herewith transmit to the Senate a report from the Secretary of State, with accompanying papers, embracing a copy of the correspondence requested by their resolution of the 7th instant, and such additional documents as were deemed necessary to a correct understanding of the whole subject.

ANDREW JACKSON.

WASHINGTON, *February* 13, 1837.

DEPARTMENT OF STATE,
*Washington February*, 13, 1837.

The Secretary of State, to whom has been referred the resolution of the Senate, dated the 7th instant, requesting the President to communicate to that body, "if not inconsistent with the public interest, a copy of the correspondence with the Government of Great Britain, in relation to the outrage committed on our flag and the rights of our citizens, by the authorities of Bermuda and New Providence, in seizing the slaves on board of the brigs 'Encomium' and 'Enterprise,' engaged in the coasting trade, but which were forced by shipwreck and stress of weather into the ports of those islands," has the honor to submit to the President according to his directions, the accompanying papers, being copies of the instructions from this Department to our diplomatic representatives in England, of communications from our diplomatic representatives to the British Government, and of the answers of his Britannic Majesty's ministers, and copies of other letters from the diplomatic representatives of the United States to the Department, relative to the seizures from the vessels "Encomium" and "Enterprise," and to the reclamation for another previous seizure of a like character.

JOHN FORSYTH.

To the PRESIDENT *of the United States.*

LIST OF ACCOMPANYING PAPERS

*Instructions from the Department of State to diplomatic representatives of the United States at London.*

Mr. Livingston to Mr. Van Buren, dated December 5, 1831.—Extracts.

Chief Clerk to Mr. Vail, dated September 28, 1832.—Extract.

Mr. Livingston to same, dated February 26, 1833.—Extract.

Mr. Forsyth to same, dated August 2, 1834.—Copy.

Same to same, dated March 28, 1835.—Copy.

Same to Mr. Stevenson, dated May 19, 1836.—Extract.

*Communications from diplomatic representatives of the United States at London to the Department of State of the United States.*

Mr. Van Buren to Mr. Livingston, (with enclosure,) dated February 28, 1832.—Extract.
Mr. Vail to same, dated July 15, 1832.—Extracts.
Same to same, dated November 14, 1832.—Extracts.
Same to same, (with enclosures,) dated March 30, 1833.—Extract.
Mr. Vail to Mr. Livingston, (with enclosures,) dated April 6, 1833.—Extract.
Same to same, (with enclosure,) dated April 29, 1833.—Extract.
Same to Mr. McLane, dated September 28, 1833.—Extract.
Same to same, (with enclosure,) dated January 14, 1834.—Extracts.
Mr. Vail to Mr. Forsyth, (with enclosure,) dated August 6, 1834.—Extract.
Same to same, dated August 14, 1834.—Extract.
Same to same, dated September 13, 1834.—Extract.
Same to same, (with enclosures,) dated September 22, 1834.—Extract.
Same to same, dated January 14, 1835.—Extract.
Same to same, dated January 22, 1835.—Extract.
Same to same, dated March 14, 1835.—Extract.
Same to same, (with enclosure,) dated May 14, 1835.—Extract.
Same to same, dated November 6, 1835.—Extract.
Same to same, (with enclosure,) dated November 14, 1835.—Extract.
Mr. Stevenson to same, dated July 14, 1836.—Extract.
Same to same, dated July 29, 1836.—Extracts.
Same to same, (with enclosure,) dated August 6, 1836.—Extract.
Same to same, dated August 22, 1836.—Extract.
Same to same, dated October 5, 1836.—Extract.
Same to same, dated November 19, 1836.—Extract.
Same to same, (with enclosure,) dated December 14, 1836.—Extract.

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*Extract of a despatch from Mr. Livingston, Secretary of State, to Mr. Van Buren, Envoy Extraordinary and Minister Plenipotentiary to Great Britain, dated December 5, 1831.*

SIR: I have the honor to transmit to you papers which will give you all the requisite information in relation to a proceeding of the Governor of the Bahama islands, which you are instructed to lay before the British ministry, with a strong expression of confidence that it will be disavowed by its Government.

A vessel going from one of our ports to another, with slaves, the property of American citizens, was wrecked on the Bahama banks. The slaves were, very fortunately, saved, and carried into New Providence, where they were libelled, as being forfeited under the British acts prohibiting the slave trade. The libel was dismissed by the court; but the Governor, of his own authority, declared them to be free, and refused to permit the owners to take them from the island.

This proceeding, so injurious to the rights of our citizens, is attempted to be justified under instructions given by the Government to the Executive of the island.

The arguments to show not only the injustice of this unfriendly proceeding, but its inconsistency with the acts of the Government in relation to this species of property, will naturally suggest themselves to you.

No statesman in England, zealous as some of them have been for the suppression of the African slave trade, has ventured to propose that other nations, by the laws of which slavery was permitted, should be forced to consent to a general emancipation. The English, then, acknowledge that slaves are property—they go further, they acknowledge the right to hold such property in their colonies. Here, then, is property legally held by the citizens of a friendly country—of a species allowed to be held by their own subjects—which is forcibly taken, because the calamity of shipwreck has cast it on their shores—not on the shores which they have boasted that no slave could tread without being free, but in a colony where slavery is acknowledged, and where the master's right is protected by severe laws.

If the English statute had declared that property of this kind, when saved from a wreck, should be lost to the proprietor, we should, indeed, have been astonished at this return to the barbarous practice of ancient times, which cruelly took that which the tempest had spared. We should have in vain tried to reconcile it to the just and humane policy of modern nations; but we should, in that case, have been on our guard. When our vessels bilged on such inhospitable shores, we should, at greater risk, have endeavored to convey the cargo to some other place of refuge. Our underwriters would have calculated the increased danger of the cargo being forced into an English port. But the law which is made the authority for these proceedings is silent on the subject; the courts of the island have given it no such construction; and it is only the executive comment upon it that authorizes, as is said, the procedure.

But you may further urge that, admitting it to have been the intent of the act of Parliament that every slave cast by shipwreck on their islands, as well as those brought there by design, should be made free, it would be too great a reflection on the justice of the nation to suppose that they intended this scheme of philanthropy should be executed at the expense of the unfortunate citizen of a friendly nation. If the humanity of the British nation will not be satisfied unless the slaves who are cast on the coasts of their colonies should become free, their justice will require that the property of the shipwrecked stranger shall not be taken to satisfy the demands of humanity without due compensation; and in this case our citizens will not require that any implied faith pledged to the slaves, by the act of the Governor, shall be violated; they will be content with a moderate valuation. * * * * *

On the whole, it is the President's desire that you should take every proper opportunity of urging the right of the claimants to indemnity. The magnitude of the sum makes it a matter of importance to the parties interested, and the principle involved is one of considerable delicacy, in relation to the species of property in question.

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*Extract of a despatch from the Chief Clerk of the Department of State to Mr. Vail, chargé d'affaires of the United States at London, dated September 28, 1832.*

The parties interested in the property of the slaves wrecked upon the Bahama banks, and liberated by the Governor of the island of Providence, are exceedingly anxious to procure a decision of their claim upon the British Government, which they cannot doubt will be a favorable one. According to a late communication from you on this subject, the matter had been referred to the law officers of the Crown for their opinion upon it.

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*Extract of a despatch from Mr. Livingston to Mr. Vail, dated February 26, 1833.*

The case of the slaves wrecked on Abaco is an occurrence that most probably would not have happened had the application of this Government, ten years ago, [relative to the establishment of lights in the Bahama channel,] been attended to—a case which apparently gives as much trouble to the British Government as to ours—but which, however disagreeable the discussion may be to both, must be brought

to a conclusion. The claimants are extremely urgent, and the case is too clear to admit of a doubt. The doctrine that would justify the liberation of our slaves is too dangerous to a large section of our country to be tolerated by us. You are therefore again instructed to urge an attention to our application, stating, as a reason for your pressing it, not only those which are contained in the original and subsequent instructions on the subject, but the extreme and just susceptibility of a very large portion of our country on the question which it involves, and that the President relies confidently, not only on the sense of justice of the British Government, but on their wish to remove every unfriendly feeling betwteen the citizens and subjects of the two countries, for a satisfactory arrangement of this business.

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*Letter from Mr. Forsyth to Mr. Vail, dated*

AUGUST 2, 1834.

SIR: The delay of the British Government to give any satisfactory answer to the representation which was made, so long ago as the year 1832, and repeatedly called to its attention since, on the subject of the slaves shipwrecked at Abaco, has been the cause of great regret and of some surprise to the President, and has given rise to serious and frequent complaints on the part of the individuals interested.

It is with painful feelings that the President has witnessed a similar disregard, upon the part of the authorities of New Providence, to the rights and interests of American citizens, who have had the misfortune to be brought by shipwreck within their jurisdiction.

By the papers which are now transmitted to you, it will be seen that, in the month of February last, the American brig Encomium, Sheffield master, bound from Charleston to New Orleans, with a cargo and passengers, among whom were 45 negro slaves, the property of American owners, who were also on board, was wrecked near Fish Key, Abaco, whence the passengers were carried to Nassau; that on their arrival the slaves were seized, while on board the wreckers, by an officer of the customs, and taken to the police office, where they were set at liberty by the magistrate, although the consul of the United States, who was present, protested, on behalf of the owners, against the slaves being taken out of their possession; that, on the day following, the owners being about to embark for the United States, the consul wrote to the Lieutenant Governor, to inquire whether there was any impediment to their taking their slaves with them, and was answered by his secretary that, by so doing, they, as well as all others accessary, would be liable to be hanged.

By a communication subsequently made to the consul by the Lieutenant Governor, it appears that he acted in regard to the slaves under an opinion, given in the year 1818, by Sir Christopher Robinson and Lord Gifford to the British Secretary of State, a copy of which, and of the Lieutenant Governor's communication, it is thought proper, in justice to him, to place with the other papers.

This transaction has produced a strong sensation in the United States, and particularly in the South, where it is viewed as a direct interference with their rights of property; rights which had their origin under British institutions, and have since been sanctioned by our own.

It cannot be denied that the circumstances of this case furnish abundant grounds for the dissatisfaction which it has produced. The slaves were in the quiet possession of their owners, on board the wreckers, when they arrived at Nassau, and, for all that appears to the contrary, would have so remained. They had preferred no claim to the authorities of the island to interpose for their discharge; nor had the owners made any call for such interposition to enforce their possession.

Indeed, there was not, on either side, any application to those authorities, and their interference was wholly voluntary and gratuitous. The legal rights of the owners of the slaves, according to the laws of their own country, were well known to the officers at Nassau; and, instead of respecting those rights, and seeing that they should remain undisturbed, as might have been expected from the authorities of a friendly nation, those officers openly disregarded them, and exerted themselves only to cause them to be violated by others. Having begun by forcibly dispossessing the owners, with whom the slaves were quietly remaining, they set them at liberty, and finally held out the punishment of death to deter the owners from taking them away. The law opinion under which the Lieutenant Governor professes to have acted relates to the slave trade, to *Africans* only, and cannot apply to slaves born in the United States, and belonging, for generations, to American citizens, under titles derived from British laws, prior to the separation of the two countries. That it should have been construed to include a description of persons who are clearly not embraced within its terms, would seem to indicate a disregard for interests of great importance to a large portion of the American people, which was not looked for on the part of a friendly nation; and that such cause of complaint should a second time arise in the same quarter, is a circumstance which adds to the unfavorable impression that the transaction has produced.

It is the President's desire that you will take an early opportunity to bring this case before the British Government, and express his hope that, after fully weighing the whole subject, that Government will see that an early indemnification to the proprietors in both cases, and the prevention of similar injuries in future, are due both to justice and to the friendly relations between the two countries.

I am, sir, respectfully, your obedient servant,

JOHN FORSYTH.

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*Mr. Forsyth to Mr. Vail.*

DEPARTMENT OF STATE,
*Washington, March* 28, 1835.

SIR: I transmit to you, herewith, the copy of a letter dated on the 2d instant, just received at this Department from the consular commercial agent of the United States at Bermuda, communicating some particulars relative to the seizure and subsequent liberation of certain slaves, a part of the cargo of the American brig "Enterprise," Smith, master, bound from Alexandria, D. C., to Charleston, S. C., which vessel had been obliged to put into the port of Hamilton, in distress, having experienced severe weather, and fallen short of provisions. It is the wish of the President that the case should be immediately brought to the attention of the British Government, and that redress be claimed for this gross outrage upon the rights and interests of American citizens. You will make use of this occasion, unless an answer has already been given to you respecting them, to call the attention of his Majesty's Government to the unreasonable delay which has taken place in deciding upon the questions of a similar character, presented in your previous notes.

I am, sir, your obedient servant,

JOHN FORSYTH.

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*Extract of a despatch from Mr. Forsyth to Mr. Stevenson, dated*

MAY 19, 1836.

In the present state of our diplomatic relations with the Government of his Britannic Majesty, the most immediately pressing of the matters with which the United States legation at London is now charged, is the claim of certain American citizens against Great Britain for indemnification for a number of slaves, the cargoes of three vessels wrecked on British islands in the Atlantic, near this continent, who

were carried into those islands, seized, and subsequently liberated by the local authorities; whereby the owners have experienced an almost total loss of their property. The instructions of this Department, and the correspondence that has already passed between the diplomatic representatives of the United States and the British Secretary of State for Foreign Affairs on the subject, which will be found on the files of the legation, to which you are referred, will put you fully in possession of all the facts relating to those cases, as well as of the views of the President in regard to them; and will also acquaint you with the progress made towards a definitive settlement of the affair. I shall therefore content myself with expressing to you the President's anxious wish that no time should be lost, and no exertion spared on your part, to effect an early adjustment of this long-pending claim; the delay which has already occurred having given him great dissatisfaction.

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*Extract of a letter from Mr. Van Buren to Mr. Livingston, dated*

FEBRUARY 28, 1832.

I herewith transmit to you a copy of the note which I addressed, on the 25th instant, to Lord Palmerston, in behalf of the owners of the slaves wrecked in the brig "Comet," on a reef near the Bahama banks. You will perceive, on perusing it, that, availing myself of the latitude given me by my instructions respecting this claim, and taking into consideration the state of public feeling, and the extreme sensibility which prevails here on all subjects connected with slavery, I have deemed it proper to go further into the matter than the suggestions in your communication seemed strictly to require. The arguments in favor of the claim also involved principles so interesting to a portion of our countrymen as to render it proper to give them the fullest consideration. I hope that my endeavors to have justice done to the claimants may meet the approbation of the President.

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*Mr. Van Buren to Lord Palmerston.*

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor, in obedience to instructions recently received from his Government, to submit to the right honorable Lord Viscount Palmerston, his Majesty's principal Secretary of State for Foreign Affairs, the claims of several citizens of the United States upon his Majesty's Government, for injuries which they have sustained, in consequence of certain proceedings of the British colonial authorities of the Bahamas.

The prominent facts of the case, in regard to which there does not appear to be any dispute, are as follows:

Certain citizens of the United States, owners of one hundred and sixty-four native American slaves, being desirous of removing them, coastwise, from Alexandria, in the District of Columbia, to New Orleans, in the State of Louisiana, both places being within the jurisdiction of the United States, shipped them, for that purpose, in December, 1830, on board the American brig "Comet," Isaac Staples, master. The shipment and intended transfer of the said slaves being sanctioned by the laws of the United States, the vessel was regularly cleared at the custom-house, and provided with all the necessary papers to establish the legality of her voyage. Whilst proceeding thereon, the "Comet" was driven out of her course by adverse winds and tempestuous weather; and on the night of the 3d January, grounded on an insulated reef, about ten miles to the windward of the island Abaco, and was there totally lost. Before the vessel went to peices, an island sloop, and some sail-boats came to her assistance, and aided in saving the lives of the persons on board, by landing them on a small key, called Spanish Key, situated between the reef and the island, at the distance of about three or four miles from the one and five or six from the other. This key, though so denominated, is, it appears, but a bare and desert rock, furnishing neither vegetation nor fresh water for the use of man, and separated from the island by a channel. To obtain the means of subsistence, and fit out the vessel for the accommodation of so great a number of persons, they proceeded to Green Turtle key; from whence it was Captain Staple's intention to sail, in the wrecking vessel, for Key West, or some other port of the United States, where he might have found the means of proceeding to his original destination. But failing to prevail upon the wreckers to afford him the use of their vessel, he was obliged to yield to their terms, and to sail in those vessels, with all the persons rescued from the wreck, to the port of Nassau, in the island of New Providence, where the wreckers insisted upon carrying them, and where they arrived on the 11th January, 1831. The landing of the slaves from the wreck on Spanish Key, their transfer to Green Turtle key, and final removal to the port of Nassau, appear to have been acts of necessity, arising from circumstances of misfortune, over which Captain Staples had no control. On his arrival at Nassau, he took every proper step to prevent the landing of the slaves, and immediately purchased, for four thousand dollars, a brig, which he proceeded to fit out, with all possible despatch, for the conveyance of the slaves to New Orleans; but before this could be accomplished, a notice was served upon him by the custom-house officers of Nassau, that the slaves would be detained until the opinion of the Governor and crown-lawyers of the colony could be obtained, as to their liability to seizure under the British statutes concerning the abolition of the slave trade; and on the 15th of January, the fourth day after their arrival, all the slaves then remaining on board the wrecking vessels, together with fifteen who, notwithstanding the precautions taken to prevent it, had made their escape by swimming to the shore, were seized by the custom-house officers for a violation of a statute above referred to; and those remaining on board of the vessel were forcibly taken from the possession and custody of Captain Staples, and landed at Nassau.

Proceedings were forthwith instituted by the officer who had made the seizure, in the instance court of vice admiralty for the Bahamas, against the slaves referred to, for an alleged violation of the act of Parliament (5 Geo. IV. chap. 113) "to amend and consolidate the laws for the abolition of the slave trade." This harsh attempt to convert involuntary acts of Captain Staples, growing out of accidents beyond human control, and indispensably necessary to the preservation of human lives, into infractions of a penal statute meriting forfeiture, was, after a full hearing of the parties, very properly condemned by the court, and the libel or information dismissed. The illegality of the seizure having thus been judicially determined, Captain Staples, after complying with the requirements of the decree in regard to the costs of suit, trusted that no further difficulty would be interposed to prevent the removal of the slaves to the port of their original destination. The undersigned regrets to say that this reasonable expectation was not realized. It appears that the colonial authorities, notwithstanding the decision referred to, took upon themselves to release the slaves from all the relations in which they had stood with regard to their owners, and refused to surrender them to Captain Staples; notwithstanding, also, the repeated memorials addressed to them by him, and by the consular agent of the United States in the Bahamas.

In taking this step, the Governor acted, it would seem, in conformity with an opinion of the judge of the instance court, which did not form a part of the original decree, but in which he declared that the slaves having been once landed, there was, in his opinion, no law by which they could legally be dealt with as slaves in that colony, or which would authorize the Governor to deliver them up, without

their consent, to the claimants, for the purpose of being conveyed to another country, to be so dealt with; and that, therefore, they must, as a necessary consequence, be considered as free persons, and not as slaves illegally imported.

Of the whole number of slaves, one hundred and forty-six were insured by three insurance offices in the city of New Orleans for $71,330. The assured having been thus deprived of their property, made their abandonment to the several offices, under the claim in the policy against the risk of "detainment by foreign Powers," and, on the usual proof of loss and interest, received the amount of their several policies. The underwriters, namely: The Louisiana State Insurance Company, The Mississippi Marine and Fire Insurance Company, The Merchants' Insurance Company of New Orleans, together with Colonel Charles C. Tutt, navy agent of the United States at Pensacola, in the Territory of Florida, and Sylvanus W. Mudd, owners of the slaves which were not insured, sent an agent to Nassau, with instructions to demand the slaves from the authorities of that place, and, if delivered up, to send them to New Orleans; and in case of refusal, to have all the necessary documents duly authenticated, and submit them to the Government of the United States. The manner in which these duties were performed by the agent, Mr. Morse, appears from his report, a copy of which the undersigned has the honor of laying before Lord Palmerston.

It appears that his excellency Major General J. C. Smith, Governor of his Majesty's possessions in the Bahamas, referred the claimants to the Secretary of State for the colonies, with an intimation that the whole subject had been fully reported to that department of his Majesty's Government, and suggestions authorizing the inference that, in the steps which had been taken in the premises, his excellency had acted under the orders of his Government.

It is upon the circumstances of which the preceding statement furnishes a general outline, and which are more minutely described in the accompanying papers, to which the undersigned respectfully invites Lord Palmerston's early attention, that the present claimants apply to the justice and equity of his Majesty's Government, for indemnity for the heavy losses which they have sustained. In the few observations which the undersigned thinks it proper to submit in support of this claim, he does not deem it necessary to say any thing in confirmation of the decision of the instance court upon the question of forfeiture, fully confident, as he cannot but feel, that the unfounded pretences set up by the officers who made the seizure, and which were so properly condemned by the court, will receive no countenance from his Majesty's Government.

The Governor of the Bahamas, in severing the connexion which existed between the slaves in question and their masters, acted, it would seem, in conformity to the *ex parte* opinion already referred to, delivered by the judge of the instance court, which declared that the adoption of that course was the unavoidable consequence of the actual landing of the slaves in the colony, a consequence of the unfairness of which, as it respected the claimants, he was not insensible, but which he did not think it was in the power of the Governor to avoid.

By the *actual landing* here spoken of, the undersigned is bound to understand Judge Mannings as referring to their landing at Nassau, in consequence of the unlawful seizure of them by the custom-house officers of that place, by which landing they had been brought within the actual control and placed under the protection of the local authorities; for the undersigned cannot for a moment suppose that the idea intended to be conveyed was, that the mere fact of landing the slaves upon a bare rock on the Bahama coast, to save them from immediate death, or even touching with them at another island for the sole purpose of saving them from starvation or loss in the small crafts which had come to their rescue, justified; or that any principle of humanity or official duty required the custom-house officers to follow the slaves in question, circumstanced as they were, and take them from the vessels with a view to their emancipation. Having properly decided that the landing of the slaves from the "Comet," by Captain Staples, did not constitute the *importation* of them into the colony, denounced by the act, and to which the penalty of forfeiture is attached, because it was not a case within its spirit and policy, it would seem to follow as a necessary consequence that no forfeiture or disability could be incurred by their immediate *reshipment* with a view to the prosecution of their voyage. Understanding the opinion in this, which, to the undersigned, appears to be its only admissible light, the necessity of regarding the slaves as freemen is referred, not to the means previously used to rescue them from the perils of the sea, but to the acts of the authorities of the island in voluntarily assuming the possession and protection of them, by which acts those authorities, according to the idea of the judge, put it out of their power to allow the compulsory return of the slaves to the subjection of their masters. Admitting, therefore, that the judge of the instance court was correct in his position, the important fact still remains, that this inability, and the consequent loss sustained by the claimants, arose altogether from the confessedly illegal acts of the custom-house officers of the port of Nassau in making the seizure and in effecting the landing of the slaves at that place, against the wishes and in defiance of the remonstrances of Captain Staples and the consular agent of the United States.

The liability of his Majesty's Government to redress the injury which, according to this view of the subject, the claimants have received, appears to the undersigned too clear to be disputed; and, sensible that the case of the claimants might, so far as the question of strict right is involved, be safely allowed to rest on this sole ground, it is with extreme reluctance that the undersigned feels it his duty to extend this communication, already protracted beyond his wishes. There are, however, considerations arising from the ground which has been taken in this case, and from the consequences which might ensue if the principle assumed should be carried to its legitimate results, so calculated to affect the interests and excite the deep sensibility of a large and highly respectable portion of the citizens of the United States, that the undersigned is constrained to take a brief notice of the opinions upon which the colonial authorities appear to have acted.

The participation of the United States in the desire entertained by Great Britain for the final annihilation of the slave trade is known to the world, as is also their willingness to apply to the great end, and to the mitigation of the evils of existing slavery, all the means at their disposal which are consistent with their internal condition and the nature of their institutions. But, zealous and active as they have been in common with the Government of Great Britain for the early and effectual suppression of that infamous traffic, they have not ventured, nor has any statesman of either country ventured, to propose the slightest interference with the rights and duties of master and slave in other States, by the law of which domestic slavery was permitted to exist. On the contrary, the Government of the United States, respecting the actual and unavoidable condition of things at home, while it most sedulously and rigorously guards against the further introduction of slaves, protects, at the same time, by reasonable laws, the rights of the owners of that species of property in the States where it exists, and permits its transfer, coastwise, from one of those States to another, under suitable restrictions, to prevent the fraudulent introduction of foreign slaves. In this respect their course is similar to that of the British Government in regard to those portions of his Majesty's dominions where slavery is allowed; and the case now presented to its consideration is, the undersigned is happy to be able to say,

not in any way connected with the policy of the two countries in regard to the abolition of the African slave trade.

The undersigned is quite confident that Lord Palmerston will not find it difficult to satisfy himself that the opinion of the judge of the instance court in which the inability of the colonial authorities to afford the required redress is set forth, was not warranted by the facts upon which it was founded. In that opinion it is not pretended that the inability of the Government to surrender the slaves to their owners arose from any of the provisions of the act of 5 Geo. IV. c. 113, for the abolition of the slave trade; nor could that position have been maintained with any show of reason.

It is most evident to the undersigned that cases like the present are neither within the policy of that act, nor embraced in the intentions of its framers; and it was, doubtless, upon that principle that the claim of forfeiture was rejected by the court. That intention obviously was to carry into effect the avowed policy of his Majesty's Government, by forbidding his subjects, not only all direct participation in that trade, but also all assistance and facilities to those by whom it was still prosecuted, and to restrain and regulate the transfer of slaves held in lawful bondage, from one portion of his Majesty's possessions to another. The case of slaves, born and held as such under the laws of a foreign friendly nation, cast by shipwreck upon the coasts of those possessions under circumstances like the present, was not in the contemplation of the Legislature, and cannot, therefore, under a just, liberal, and legal construction of that act, be view as embraced in its provisions. The propriety of this view of the act is sustained by the general character and scope of its provisions, and more particularly by the 23d section. By that section it is provided that, "in case any person or persons, *illegally held or detained in slavery*, shall hereafter, *by shipwreck* or otherwise, be *cast upon*, or shall *escape to*, or *arrive* at, any island or colony, &c., under the dominion or in the possession of his Majesty, it shall and may be lawful for his Majesty, his heirs, &c., or for any such officer, civil or military, as aforesaid, to deal with, protect, and provide for any such person or persons, in such and in the same manner as is hereinbefore directed with respect to persons condemned as prize of war, or as forfeited under this act." This section could surely not have been deemed necessary, if the framers of the act had supposed that the effects of its provisions would be to produce the same result in all cases of slaves cast away upon such islands, whatever might have been their previous condition in respect to the legality of their detention.

The undersigned presumes, therefore, that it has been by the application of the rule established upon the subject in Great Britain, to the Bahamas, that the judge of the instance court has arrived at his conclusions in the case under consideration. If such is the fact, it appears to the undersigned, with all respect to that judicial functionary, to be only necessary to state the rule and the circumstances upon which it rests here, to show the fallacy of its application to the Bahamas. Great Britain having long since relieved herself from slavery, it was contended that the air of England had become too pure for a slave to breathe in, and her courts of law, upwards of half a century since, confirmed that assumption by effectually restraining the exercise of any pre-existing rights of ownership over persons brought within their jurisdiction. This principle in her jurisprudence has been undeviatingly persevered in—it has become known to all the world—and nations in whose dominions slavery is tolerated, have been able to conform to it in their intercourse with her. Can it be that this principle of common law is applicable to a colony where, by the law of the place, negroes and their descendants, who have not been emancipated by their owners, are slaves, and saleable as other property, where the master's rights are amply protected by particular laws, where negroes may not only be dealt with as slaves at home, but may be removed, coastwise, from one part of the island to another, and with permission, from island to island, where the owners may at their pleasure employ them on the high seas, in navigation or fishery, or place them in the naval or military service of his Majesty, and even take a particular class of them, by sea, to any place whatever, without, in any case, forfeiting their rights as owners!

The entire insufficiency of the reasons which might justify a refusal to comply with the request of the claimants, if the transaction in question had taken place in England, is, as applied to a case arising in the Bahamas, too manifest, in the opinion of the undersigned, to be disputed. In the former supposition, the claimants might be truly informed that they sought the exercise in their behalf of an authority alike at variance with the public sentiment and the established law of the land, and which no British subject could invoke. At Nassau, no such ground could be taken. All that was asked of the local authorities was an extension to the claimants of the same protection in regard to their property which would have been given to British subjects belonging to those parts of the British possessions abroad where slavery is allowed, in a case where, like the present, the pre-existing rights of the owner had not been forfeited by an illegal introduction of the slaves into the Bahamas.

But we are not left to discussion and speculation upon this point. The orignal establishment of the principle in England was founded on the declared assumption that the law of the colonies could have no bearing upon the question in England, so far as regarded the personal rights of the slave whilst in England; and it has been solemnly decided by the high court of admiralty in this country, in case of the "slave Grace," (2 Haggard's Admiralty Reports, p. 94,) that the rule established in England has no application to the colonies; that though a slave coming to England from the colonies is released by the law of the land from the control of his master, while he continues in the country, and cannot be sent out of it without his consent, yet he continues virtually a slave, and on his return to the place of his birth and servitude, the right to exercise the former control over him revives in his master.

The undersigned is not otherwise advised of the orders which his Majesty's Government may have given to the Governor of the Bahamas, than may be inferred from the opinion of counsel contained in Mr. Mouse's statement. As this communication, in consequence of the interesting considerations involved in its subject, has already been extended further than the undersigned could have wished, he will confine himself to but one or two general observations in regard to the applicability of the above-mentioned opinion to the present case. It will be seen that the circumstance by which it was produced was the shipwreck on the coast of a British settlement, at the Cape of Good Hope, of a Portuguese slave ship, on its passage from the coast of Africa to Brazil; and the point submitted was the manner in which Africans who, on their transportation from Africa to Brazil, as slaves, were either abandoned or cast away on the shores of a British colony, should be dealt with by the colonial authorities according to acts of Parliament for the abolition of the slave trade, and the degree of assistance which those authorities might, under any circumstances, give the Portuguese, by whose laws that inhuman traffic was still permitted, to enable them to carry it on. In answer to a question thus propounded, his Majesty's law officers said, that any act on the part of those authorities beyond what was necessary to save the lives of the slaves from the dangers of the sea, and which had for its object to restore them to those who were engaged in the slave trade, would be affording facilities to that trade, contrary to the spirit and intention of the act by which it was severely denounced, and the declared object

of which was the entire suppression of that trade. The undersigned cannot for a moment believe that it was within the contemplation either of those who framed the act, or of those by whom it was thus expounded, to embrace persons born in servitude in the territories of a friendly nation, equally zealous with Great Britain in putting an end to the slave trade, equally anxious to mitigate the evils of slavery, where its existence is found unavoidable, but which has felt itself also equally bound to protect, by just regulations, rights which had been acquired under the sanction of their laws before the African slave trade was prohibited by them. Viewing the subject in this light, the undersigned feels the strongest confidence in expressing, as he has been instructed to do, the just expectation of the President that his Majesty's Government will order the slaves in question to be given up to the claimants, and reasonable indemnity to be made to the latter for the damages caused by the detention of their property, and by the loss of such of the slaves as may not now be found; a request which Lord Palmerston will readily admit derives a claim to the most favorable consideration from the fact, which is of undoubted authority, that it is in conformity with a course which the Government of the United States, notwithstanding its highly penal statues against the voluntary introduction of foreign slaves within its territories, and denouncing all participation by American citizens in the African slave trade, has, nevertheless, pursued with regard to slaves belonging to British subjects, who, being lawfully employed in navigation, have been rescued from the perils of the sea by the intervention of citizens of the United States.

Should it, however, be decided that his Majesty's Government is unable to comply with this request, in consequence of the actual landing of the slaves on the island of New Providence, through the illegal seizure of them by the custom-house officers, and of the application to their case of the general principles of the English law; or should it be declared that it was the intent of the act of Parliament, through motives of humanity, to give freedom to every slave landing on the coast of a British colony, whether cast upon it by shipwreck, or brought thither by design, and without reference to his previous condition, or the manner in which the owner's interest in him was acquired, the undersigned is pursuaded that the justice of the British Government will take care that the property of the citizens of a friendly nation, thrown by shipwreck on their coasts, shall not, under circumstances like those of the present case, be sacrificed by any misconstrued application of British laws, or by any indulgence of their own feelings of philanthropy; but that all suitable compensation will be made to such individuals for the property taken or detained from them.

The claimants will not require that any implied faith pledged to the slaves by the act of the Governor of the Bahamas, shall be violated; they will, therefore, be content with a moderate valuation, much less than that put upon the slaves by the Legislative Assembly of New Providence. Among the papers herewith transmitted, will be found an estimate of the value which the claimants consent shall be put upon them, and which, with a reasonable remuneration of expenses, the undersigned is authorized to accept.

The undersigned gladly avails himself of this occasion to renew to Lord Palmerston the assurance of his highest respect and consideration.

M. VAN BUREN.

STRATFORD PLACE, *February* 25, 1832.

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*Extracts of a letter from Mr. Vail to Mr. Livingston, dated* JULY 15, 1832.

In the fulfilment of the wishes, intimated in your despatch No. 2, of the 30th of May, I sought, and on the 14th instant obtained, an interview with Lord Palmerston, in the course of which I had an opportunity fully to lay before him your views in relation to the subjects referred to in that despatch; and also to call his attention to other topics which had before given rise to correspondence between him and the legation.

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I then took occasion to remind his lordship of Mr. Van Buren's note to him of the 25th of February last, on the subject of the claim of the owners of a number of slaves shipwrecked on the island of Abaco, in the brig Comet, and seized at Nassau by the colonial authorities of the Bahamas. He, in answer, confirmed the information which I had, the day before, received from Sir George Shee, one of the under Secretaries of State for Foreign Affairs, to whom the subject had been referred, that the case had been sent to the law officers of the Crown, for their opinion upon points of law which had arisen from it, and the promise also made me by Sir George to inquire what progress had been made by that branch of the Government, and to urge its further advance towards a termination.

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*Extract of a letter from Mr. Vail to Mr. Livingston, dated* NOVEMBER 14, 1832.

With regard to the claim of the owners of slaves wrecked in the Bahamas, in the Brig Comet, to which, also, allusion is made in the despatch above referred to, I called yesterday at the Foreign Office, to inquire the stage at which the promised investigation of that claim had arrived. I regret to say that the case still remains before the law officers of the Crown, who have not yet reported upon it. The under Secretary of State, who has charge of the subject, has promised me to inquire into the cause of the delay, and to urge the immediate action of the law department upon it.

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*Extract of a letter from Mr. Vail to Mr. Livingston, dated* MARCH 30, 1833.

I have seldom omitted to avail myself of the opportunities afforded me by incidentally meeting with Lord Palmerston, to call his attention to the various subjects remaining unadjusted between the two Governments, in which I thought that my further agency might be usefully employed. Among these, the claim of the owners of the slaves shipwrecked in 1830, on the island of Abaco, in the brig "Comet," has often been the subject of conversation, both with Lord Palmerston and with Sir George Shee, the under Secretary, more especially charged to inquire into subject; but, so far, without any satisfactory result. More than a year having now elapsed since the claim was first presented, in Mr. Van Buren's note of the 25th February, 1832, which still remains unanswered, I thought it time that a fresh appeal, bearing an official character, should be made; and, a few days ago, informed Lord Palmerston of my intention of addressing him a communication upon the subject. He unhesitatingly promised that he would make use of it to hasten the progress of the investigation which he had ordered to be made of the merits of the claim; and I accordingly addressed to him, on the 25th instant, the note of which I have the honor herewith to transmit to you a copy.

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*Mr. Vail to Lord Palmerston.*

The undersigned, chargé d'affaires of the United States of America, near the Government of his Britannic Majesty, has the honor, agreeably to instructions at various times received from his own Government, to call the attention of the right honorable Viscount Palmerston, his Majesty's principal Secretary of State for Foreign Affairs, to a note still remaining unanswered which was addressed

to his lordship on the 25th of February of last year, by Mr. Van Buren, late envoy extraordinary and minister plenipotentiary of the United States at the British Court, setting forth the claim of sundry American citizens upon his Majesty's Government, for the value of a number of slaves shipwrecked in 1830, while proceeding in the brig "Comet," from Alexandria to New Orleans, on the island of Abaco, and seized by the colonial authorities of the Bahamas, for an alleged violation of the laws prohibiting the importation of slaves into his Majesty's colonies.

In the note to which reference is made above, Mr. Van Buren so fully presented to the view of his Majesty's Government the considerations of undoubted justice which had induced that of the United States to interpose in behalf of the claimants, that the undersigned deems it unnecessary to add any further remarks upon the merits of the claim; he will content himself, for the present, with repeating what he has, on several occasions, had the honor verbally to state to Lord Palmerston, that the President looks with undiminished solicitude to a decision which he believes cannot be otherwise than favorable to the parties interested, in the hope that the enlightened justice of his Majesty's Government will not allow the great loss incurred by the claimants, in consequence of the detention of their property, to be aggravated by any unnecessary protraction of the delay which has already occurred in the adjustment of their claim.

The undersigned, relying upon the promise made to him by Lord Palmerston that he would hasten the settlement of the claim referred to, avails himself of this opportunity to offer to his lordship the renewed assurance of his most distinguished consideration. A. VAIL.

304 Regent Street, *25th March*, 1833.

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*Extract of a letter from Mr. Vail to the Secretary of State, dated April 6, 1833.*

You will perceive, by the enclosed copy of a note which, on the 25th of last month, I addressed to Lord Palmerston, that I had anticipated the wishes of your Department with regard to the claim for the slaves shipwrecked in the "Comet" on the rocks of Abaco. The long delay which had attended the examination of the case by the Crown lawyers, to whom it had been referred, and the belief that more than sufficient time had been afforded them for the purpose, had induced me to repeat, in writing, the verbal applications, several times made by me, for a settlement of the claim. The answer, of which a copy is likewise enclosed, was received at the moment I was about sending in another communication, prepared in obedience to your despatch No. 10, which had come to hand in the meantime. Still, as that despatch contained some new considerations in behalf of the claim, which, I thought, might be urged with advantage, I prepared and sent in another note, dated the 4th instant, also herewith communicated, which I hope will have the effect of quickening the action of the legal advisers of the Crown. It was my wish, in delivering the last-mentioned note, to have explained these circumstances to Lord Palmerston in a personal interview; but, being unable to do so, in consequence of an illness which confined him to his chamber, I had a conversation with the under Secretary of State, whom I endeavored to impress with a sense of the desire of the President that this matter should be speedily arranged. He said that, although the justice of the claim seemed to admit of no doubt, yet, from the difficulty of reconciling the principle it involved with existing laws, it derived some complexity, which had been a subject of much embarrassment to the Crown lawyers; that the King's advocate, to whom the case had been sent, fearful of assuming the responsibility of deciding by himself, had called the Attorney General to his assistance, and that both were engaged in preparing a report, upon which the ministers would act in finally deciding upon the merits of the claim.

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*Lord Palmerston to Mr. Vail.*

The undersigned, his Majesty's principal Secretary of State for Foreign Affairs, has the honor to acknowledge the receipt of a note which was addressed to him on the 25th instant by Mr. Vail, chargé d'affaires of the United States of America at this court, upon the subject of the claim set up by sundry American citizens upon his Majesty's Government for the value of a number of slaves shipwrecked in 1830, while proceeding, in the brig "Comet," from Alexandria to New Orleans, on the island of Abaco, and seized by the colonial authorities of the Bahamas, for an alleged violation of the laws prohibiting the importation of slaves in his Majesty's colonies.

The undersigned has the honor to state, in reply, that the subject is at present under the consideration of the law officers of the Crown, to whom it has been referred by his Majesty's Government; and, so soon as a report shall have been received from those officers, the undersigned will have the honor to communicate to Mr. Vail the decision which his Majesty's Government may come to upon the question.

The undersigned avails himself of this opportunity to renew to Mr. Vail the assurances of his distinguished consideration. PALMERSTON.

Foreign Office, *March* 30, 1833.

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*Mr. Vail to Lord Palmerston.*

The undersigned, chargé d'affaires of the United States of America, had the honor to receive, yesterday, a note which the right honorable Lord Viscount Palmerston, his Majesty's principal Secretary of State for Foreign Affairs, addressed to him on the 30th of last month, stating, in answer to a communication from the undersigned, that the claim presented in behalf of citizens of the United States for a number of slaves seized by the colonial authorities of the Bahamas, was under the consideration of the law officers of the Crown; and that, on the receipt of their report, the decision which his Majesty's Government may come to upon that claim would be communicated to the undersigned.

The undersigned flatters himself that he perceives, in Lord Palmerston's note, the prospect of an early adjustment of this claim, and will hasten to communicate the gratifying information to his Government. Since, however, he last had the honor of addressing his lordship upon the subject, and before the note above referred to came to hand, he received from the Secretary of State of the United States special instructions, which make it his duty to avail himself of this communication, instead of one which, with the same view, he was on the point of forwarding to Lord Palmerston when his lordship's note of the 30th ultimo was received, to state some of the grounds on which the President had felt himself obliged to direct a fresh application to the British Government for the speedy adjustment of the claim in question.

The undersigned having, from time to time, acquainted his Government with the import of the conversations he had with Lord Palmerston on this subject, the President, aware of the difficulties and delays which, owing to the delicate nature of some of the considerations it involved, might attend the investigation of the case, had refrained from urging its immediate adjustment, confiding in the justice of his Majesty's Government for ultimate redress to the parties interested. These persons, however, whose losses, already so heavy in the origin, are daily increased by every fresh delay, which deprives them of the use of their property, have become so urgent in their representations that the President, impressed with the indisputable justice of their demands, and of the claim they have to the

interposition of their Government, is compelled to renew the application which has now, for more than a year, been under the consideration of that of his Britannic Majesty.

Lord Palmerston is too familiar with the circumstances of the case to make it necessary for the undersigned to recapitulate them in this place; nor will he take up his lordship's time in reverting to the arguments and proofs by which Mr. Van Buren, in his note of the 25th February, 1832, so clearly established the right of the claimants to the restoration of their property, or to full indemnity for the loss they may ultimately sustain in consequence of the seizure of it. But there are other considerations, not before particularly dwelt upon, which the undersigned begs leave now to submit, in compliance with the orders of the President, and which, as involving questions of international policy and good neighborhood, more forcibly address themselves to the attention of his Majesty's Government. Lord Palmerston is aware of the existence of a large slave population in the United States, and will easily conceive that the necessary and frequent removals of portions of it from one section of the country to another, render it of the utmost importance that the safe and easy mode of conveyance afforded for that purpose by the coastwise navigation, should not be exposed to such interruptions as that which forms the subject of this communication.

It never can be the wish or interest of the owners of this species of property to expose themselves to losses, and their Government to unpleasant discussions, by trusting it beyond the jurisdiction or protection of the United States; but a great number of the description of persons referred to, who emigrate to the Southern sections of the Union, have necessarily to pass through the Bahama channel; and so long as, chiefly from the present want of the indispensable aids to navigation, this dangerous thoroughfare remains unsafe, as it now is, it may become the unpleasant duty of the American Government to address to that of Great Britain other representations like that now under consideration. Were it for this cause alone, the undersigned feels confident that Lord Palmerston will agree with him that its recurrence had better, in future, be avoided, if possible. There are, besides, other causes, more peculiarly, but more vitally also, affecting the United States, from which the subject of this reclamation derives an importance reaching far beyond the individual interests concerned in it. Should the question which grows out of this claim, contrary to the confident expectation of the President, be decided against the claimants, it would go to establish a doctrine authorizing the liberation of the American slave whom unavoidable accident may have thrown out of the jurisdiction of the United States, too dangerous to a large section of the country to be tolerated by its Government. The extreme, but just, sensibility of that portion of the Union which would be affected by the admission of such a principle, imparts to this consideration an importance so deeply felt by the President, that he has caused the undersigned to be especially instructed to state to Lord Palmerston that he places the fullest reliance, not only upon the sense of enlightened justice of the British Government, but also upon its desire to remove every cause of unfriendly feelings between the citizens and subjects of the two countries, for such a disposition of the subject of this communication as will preclude all possibility of future difference from such a source.

In thus again calling up a subject which had so recently procured him the honor of a communication with Lord Palmerston, the undersigned has, by order of his Government, endeavored to place before his lordship considerations which, he feels confident, will be allowed to occupy their appropriate place among the motives which will determine the decision of his Majesty's ministers.

That that decision will be favorable to the claimants, he cannot permit himself to doubt; nor is he more disposed to believe that, fully appreciating the benefits which an early adjustment would confer upon the parties, the British Government will suffer any unnecessary delay to aggravate the injury already inflicted upon them by the proceedings of the colonial agents of Great Britain.

The undersigned avails himself of this opportunity to offer to Lord Palmerston the renewed assurance of his highest consideration. A. VAIL.

304 Regent Street, *April* 4, 1833.

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*Extract of a letter from Mr. Vail to Mr. Livingston, dated April* 29, 1833.

I likewise communicate to you the copy of a note which I received on the 24th instant from Lord Palmerston, acknowledging the receipt of that which, agreeably to the instructions contained in your despatch No. 10, I addressed to him on the 4th, respecting the claim arising out of the detention of the slaves shipwrecked in the brig "Comet" on the island of Abaco. I cannot but indulge the hope that the agency which Lord Palmerston promises to employ in accelerating the action of the law department will bring that subject of difference to a speedy termination.

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*Lord Palmerston to Mr. Vail.*

The undersigned, his Majesty's principal Secretary of State for Foreign Affairs, has had the honor to receive the note which was addressed to him on the 4th instant by Mr. Vail, chargé d'affaires of the United States of America, upon the subject of certain American negroes, detained at Nassau, in New Providence; and, in reply, he begs to state that this further representation on the part of Mr. Vail, has been transmitted to the King's law officers, with reference to the papers previously transmitted to them upon the same subject; and they have been pressed by the undersigned to give in their immediate report upon the case, in order that the undersigned may be enabled to return an answer upon the whole question to Mr. Vail without further delay.

The undersigned begs to renew to Mr. Vail the assurances of his distinguished consideration.

PALMERSTON.

Foreign Office, *April* 24, 1833.

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*Extract of a despatch from Mr. Vail, to Mr. McLane, dated September* 23, 1833.

I have again called the attention of Lord Palmerston to the former representations of this legation against the detention, by the British colonial authorities, of the slaves shipwrecked in the Bahamas on board of the brig "Comet." This perplexing subject has again and again been made one of verbal as well as written communications on my part, which do not seem to have hitherto had any effect in hastening the labors of the Crown lawyers, whose tardy action upon it is to be made a preliminary to a final decision on its merits. Lord Palmerston, still pleading the delicate nature of the question, and the intricacy of the case, has again promised me that he would exert himself to bring it to a close.

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*Extracts of a letter from Mr. Vail to Mr. McLane, dated January* 14, 1834

I had, on the 10th instant, with Lord Palmerston, an interview, which I had sought for the purpose of calling his attention to several applications and representations of mine, some of which, after a long lapse of time, still remained unanswered, &c. * * *

I then placed in the hands of Lord Palmerston the memorandum, of which the enclosed is a copy, of the notes and representations to which I desired that answers might be given; remarking upon the merits of each case, particularly the claim of the owners of slaves shipwrecked in the

brig "Comet," which has now been near two years under consideration, notwithstanding my repeated calls, both written and verbal, for a decision; and the claim of, &c. In both cases, he said he was still awaiting the reports of the law officers, to whom they had been referred, and promised again that he would use his endeavors to quicken their action upon them.

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*Memorandum left with Lord Palmerston, January 10, 1834.—Extract.*

Note from Mr. Van Buren, 25th Feb. 1832.
Note from Mr. Vail, 25th March, 1833.
Note from Mr. Vail, 4th April, 1833.
} Respecting the claim of

sundry citizens of the United States, for the restoration, or the payment of the value, of a number of slaves shipwrecked, in 1830, on the island of Abaco, in the brig "Comet," and seized by the colonial authorities of the Bahamas. The answer given by his Majesty's Government, in a note from Lord Palmerston dated the 30th March, 1833, was, that the case was under consideration by the law officers of the Crown, with instructions to report upon it.

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*Extract of a despatch from Mr. Vail to the Secretary of State of the United States, dated August 6, 1834.*

Having often, though ineffectually, urged the adjustment of the claims of * * * * * and of the owners of the slaves shipwrecked on the island of Abaco, in the brig "Comet," I thought it time again to lay before Lord Palmerston official reminders of his promises to hasten the settlement of those claims, in a form better calculated than informal conversations to command his attention and that of the functionaries to whom the business has been referred. I enclose copies of two notes which, with that view, I addressed to him on the 1st instant. In all our conversations on these subjects, his lordship always manifested the best disposition to see them satisfactorily arranged; and of the justice of one of the claims he has repeatedly expressed a favorable opinion. The investigation of them, however, has necessarily been made the concern of other branches of the Government.

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*Mr. Vail to Lord Palmerston.*

The undersigned, chargé d'affaires of the United States of America, regrets that, in compliance with pressing instructions from time to time received from his Government, he is compelled again to call the attention of the right honorable Lord Viscount Palmerston, his Majesty's principal Secretary of State for Foreign Affairs, to the subject of the various communications addressed to his lordship by his predecessor and himself, in behalf of citizens of the United States, owners of a number of slaves shipwrecked, in the year 1830, on one of the Bahama islands, while proceeding in the brig "Comet" from Alexandria to New Orleans, and forcibly seized and detained by the colonial authorities of those islands for an alleged infringement of certain British statutes to prevent the introduction of slaves in his Majesty's colonies.

Mr. Van Buren, in his note of the 25th February, 1832, and the undersigned, in those which he had the honor of addressing to Lord Palmerston on the 25th March and 4th April of last year, laid before his Majesty's Government, with a full statement of the case, all the allegations and proofs urged by the parties to establish the legality of their claims; and in the note last referred to, the undersigned, by especial order of his Government, endeavored to place before Lord Palmerston considerations of a peculiar character growing out of the circumstances of the case, but involving principles of international law, imparting to the subject an importance which, in the opinion of the American Government, should recommend it to the early and serious consideration of that of his Britannic Majesty. The undersigned was gratified to perceive, by the answers returned on the 30th March and 24th April, 1833, to the communications above referred to, that steps had been made towards an adjustment of the claim; and he has since derived greater satisfaction still, from the verbal assurances at various times received from Lord Palmerston of his lordship's favorable impression of the justice of the claim, and from his promises that his agency would be employed in bringing it to a speedy settlement.

Persuaded that it is not the wish of his Majesty's Government that unadjusted claims of this description should be suffered long to stand in the way of the perfect understanding now happily subsisting between the two nations, the undersigned, confiding in the disposition manifested by Lord Palmerston to see ultimate justice done to the parties, has no desire unnecessarily to occupy his lordship's time in reverting to a subject which has already so long and so often been under consideration. He is, however, reminded, by the long period of time during which the claimants have been deprived of the use of their property, by their just representations to the undersigned himself and to his Government, and by the reiterated recommendations conveyed to him by order of the President not to allow the subject to be overlooked, of the extent of the injury sustained by the claimants in consequence of the arbitrary act of the British colonial authorities, and of the aggravation that injury daily receives from every fresh delay attending the reparation of it. Under a sense of what is justly due to the claimants, and to the instructions of his Government, the undersigned is, therefore, impelled by considerations of duty which Lord Palmerston will be able to appreciate, again to urge upon his lordship's attention their disappointment at a delay of justice already protracted so far beyond the time necessary to a correct understanding of the case, and their just expectation that his Majesty's Government will use additional exertions to bring it to a prompt and satisfactory adjustment.

The undersigned takes this opportunity to renew to Lord Palmerston assurances of his most distinguished consideration.

A. VAIL.

13 Old Cavendish Street, 1*st August*, 1834.

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*Extract of a despatch from Mr. Vail to the Secretary of State United States, dated August 14, 1834.*

Sir: It may not be inexpedient that, on assuming the conduct of our diplomatic relations, you should be made acquainted with the state of the unfinished business of this legation. With that view, I beg leave to lay before you the following synopsis of the points upon which its agency has been employed, and which, at this day remain unadjusted.

1. Claim of the owners of slaves shipwrecked in the brig "Comet." This claim, which had for a long time been under investigation by the law officers of the Crown, has, I understand, lately been transferred to the Treasury, where it remains under consideration. My despatch No. 137 conveyed a copy of my note of the 1st instant, urging its adjustment.

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*Extract of a despatch from Mr. Vail to the Secretary of State United States, dated September 13, 1834.*

I will, in compliance with your instructions, and without longer delay than shall be necessary to enable me to copy the documents, endeavor to place before the British Government, in the light which shall appear to me best calculated to attract its attention and impress it with a proper sense of the importance of the subject, the necessary representations against the proceedings of the British commander in relation to the two seamen taken from the ship "Rosanna;" and against the liberation, by the colo-

nial authorities of the Bahamas, of the slaves shipwrecked on one of those islands in the brig "Encomium." You will have seen by the copy, which accompanied my No. 137, of a note addressed by me to Lord Palmerston on the 1st August, that I had again added to my frequent verbal notices of the subject, a formal representation against the unreasonable delay in answering our application for redress in the analogous case of the brig "Comet." The repetition of proceedings which, so far as an opinion has been expressed, are looked upon by Lord Palmerston as affording just grounds for reclamation on our part—which, probably would not have taken place had an earlier decision been given in the former case—will, I hope, enable me at the same time to place this new act of injustice in its proper light, and to add force to the representations already made by the legation against the arbitrary conduct of the colonial agents in the other case also.

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*Extract of a despatch from Mr. Vail to the Secretary of State of the United States, dated September 22, 1834.*

Sir: I have the honor to enclose a copy of the note which, in obedience to the directions in your despatch No. 54, I addressed, on the 22d instant, to Lord Palmerston, respecting the claim of the owners of slaves shipwrecked in Fish Key, Abaco, in the brig "Enconium," in February last. You will perceive that I have availed myself of the occasion again to remonstrate against the delay attending our former representations in the analogous case of the brig "Comet," which, I hope, will have the effect of bringing the two claims together under the notice of the British Government, and hasten its final action upon them.

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*Mr. Vail to Lord Palmerston.*

The undersigned, chargé d'affaires of the United States of America, having so recently taken occasion, in his note dated the 1st ultimo, to bring to the notice of the right honorable Lord Viscount Palmerston, his Majesty's principal Secretary of State for Foreign Affairs, the yet unanswered representations of his predecessors and himself in behalf of the owners of the slaves shipwrecked in 1830, on the island of Abaco, in the brig "Comet," and forcibly detained by the authorities of the Bahamas, it is with reluctance that he now enters upon the performance of a duty assigned to him by instructions received a few days ago from his Government, to make this long pending claim the subject of a fresh appeal to that of his Britannic Majesty. He is instructed to say that the President, impressed from the first with a deep sense of the justice of the demand put forth by the claimants, has seen, with much regret, and with some surprise, the long delay which has already attended the application made, and so often repeated, under his direction; and to state further that that regret is now greatly increased by the occurrence of another shipwreck, attended with analogous circumstances, which, having been followed by a similar interference on the part of the colonial authorities, has given rise to a claim of precisely the same character.

It will perhaps be in the recollection of Lord Palmerston that, in a note which the undersigned addressed to him on the 4th April, 1833, respecting the case of the "Comet," among the considerations which made it desirable that an early decision should be given in that case, the undersigned adverted to the probability that, so long as the authorities of the Bahamas should be allowed to believe that his Majesty's Government were disposed to acquiesce in the reasoning upon which they endeavored to justify their conduct towards the passengers of the "Comet," other cases might arise which would make it the unpleasant duty of the American Government to address itself to that of Great Britain for the redress of similar grievances.

The apprehensions at that time entertained have unfortunately been realized by an occurrence, the particulars of which the undersigned will now proceed to lay before Lord Palmerston, together with the enclosed papers, which will serve to substantiate them.

The most material of these is the protest entered before the American consul at the port of Nassau, in the island of New Providence, by the master and part of the crew and passengers of the shipwrecked vessel, from which it appears that, on the 2d of February last, the American brig "Encomium," Paschal Sheffield master, sailed from Charleston, in the State of South Carolina, bound to New Orleans, with a cargo of merchandise, and having on board, among other passengers, forty-five slaves of both sexes and various ages, all natives of the United States, and the property of American citizens, three of whom were likewise passengers on board of the "Encomium." Lord Palmerston is already aware that, although the United States, with a view to the prevention of the African slave trade, prohibit, under the severest penalties, the introduction of slaves from foreign parts into the territories of the Union, they yet permit the free transfer of colored persons born and held in servitude in the country, from one section of it to another; and that, in consequence of this, the case daily occurs of owners of that species of property travelling with their servants through the different States, or, with a view to the formation of agricultural establishments, removing their slaves, by land or by sea, from one State to the other where slavery continues to exist under their respective laws. It was, therefore, under every legal sanction that the slaves in question were placed by their owners on board of the "Encomium," and that the vessel, having received her regular clearance at the port of Charleston, sailed on a voyage recognised as lawful in every respect by the existing navigation laws of the United States. On the night of the 4th February, while tracking her way along the dangerous shoals which line the coasts of the island of Abaco, she was driven by adverse currents upon a reef, where she struck, and soon became a complete wreck. With much difficulty the passengers and crew succeeded in landing on a small island, called "Fish Key," from whence they were afterwards taken by wrecking vessels to the port of Nassau, in the island of New Providence. The undersigned begs leave to refer Lord Palmerston to the protest of Captain Sheffield for a detailed account of the proceedings of the colonial authorities of Nassau, in consequence of which, as in the case of the "Comet," the negroes, notwithstanding the united representations of their owners, and of the American consul residing there, were forcibly seized on board of the wreckers, and taken entirely out of the custody of their masters, who, by an official communication, of which Lord Palmerston will find a copy among the enclosed papers, addressed by direction of the Lieutenant Governor to the American consul, were threatened with an ignominious death if they attempted to recover their property and proceed to their original destination.

The perusal of the papers accompanying this communication will enable Lord Palmerston to perceive the analogy existing between this case and that of the "Comet," which has already been so fully laid before his lordship. The leading circumstances being the same in both, must lay the foundation of an equally just claim upon his Majesty's Government, on the part of the persons concerned in the one now under consideration; and appealing, therefore, in their behalf to the same principles of justice, the undersigned begs leave to refer Lord Palmerston to the reasonings and arguments adduced in support of the other claim, and will merely offer for his lordship's consideration a few additional remarks, which more particularly suggest themselves on the present occasion.

From a letter addressed on the 22d of May, by the Lieutenant Governor to the consul of the United States, it

seems that, in ordering the seizure of the slaves saved from the shipwreck of the "Encomium," his excellency acted, not in obedience to any existing parliamentary enactment declaring the freedom of slaves landing under such circumstances in a British possession, but under an opinion, which he alleges to be to the same effect, by two eminent English jurists. The consul having obtained a copy of the opinion referred to, an extract from it will be found among the papers which the undersigned has the honor to submit for Lord Palmerston's perusal. Though not specifically adduced in support of the seizure in the case of the "Comet," the same opinion having been alluded to by the agent of the claimants, Mr. Van Buren, in his note of the 25th February, 1832, took occasion to demonstrate the inapplicability of that opinion to the case then under consideration, by shwing that it had been elicited by circumstances bearing not the slightest analogy to those under which that case had arisen. The conclusive arguments brought forward by Mr. Van Buren might have rendered a bare reference to them sufficient for the purposes of this communication, had not the express avowal of the Lieutenant Governor of the Bahamas that the opinion referred to formed the sole ground of his refusal to restore the slaves rescued from the wreck of the "Encomium" to the possession of their masters, imparted to that opinion, in the present case, an importance which the undersigned deems sufficient to justify him in entering more at large into an examination of the circumstances under which it was given and of the principles which are set forth in it.

It appears that, in the year 1818, a Portuguese ship engaged in the African slave trade, then permitted by the laws of Portugal, while on her voyage from Mozambique to Brazil, with a cargo of slaves, put in for supplies at the Cape of Good Hope, and was afterwards wrecked on the coast of that colony. Doubts having arisen in consequence of it, under the existing laws of Great Britain prohibiting the traffic in slaves by British subjects, as to the conduct which it would be proper for the colonial authorities to pursue in such a case, the law officers of the Crown were called upon for their opinion on the following points:

1. Whether, under the circumstances stated, the supplies or relief asked for by the Portuguese vessel could have been legally afforded by the colonial authorities.

2. Whether a cargo of Africans, abandoned in consequence of the loss of the vessel on the coast of a British settlement, were to be considered as Africans illegally imported, or considered as free persons.

3. Whether Africans, cast by shipwreck on the coast of a British colony, were to be considered as slaves illegally imported, or as free persons; and whether the authorities of such colony had the power to restore such Africans to their original owners to be dealt with as slaves, either in the colony or in a foreign country.

The answer of the Crown lawyers to the first query was, that the granting of the required supplies would have been a violation of the provision in the act which prohibits British subjects from aiding and assisting in the removal of persons to be dealt with as slaves. But, under another clause, making an exception in cases of distress from weather, the perils of the sea, or other inevitable accidents, they are of opinion that, where assistance or relief is required in consequence of the distressed state of the crew or of the slaves, it may and ought to be afforded.

Under the second head, their opinion is, that slaves abandoned, as stated, are to be considered and treated as free persons on their landing in the colony.

If cast by shipwreck, as supposed in the third query, the Africans are, according to the view of the legal advisers of the Crown, to be treated as free persons, as in the case immediately preceding.

The first idea that unavoidably suggests itself, on perusal of the document of which the above is believed to convey the substance, is, that it contemplates only the "slave trade"—the *African* slave trade—that is, the practice then sanctioned by the laws of Portugal, and formerly by those of Great Britain also, of carrying away from the coast of Africa persons born to freedom in that country, but sold for the purpose of being reduced to perpetual servitude in others.

The occasion which called for it arose from doubts as to the operation of certain British statutes, passed expressly for the abolition of that practice by British subjects. Those doubts had grown out of the accidental landing of a cargo of natives of Africa upon the coast of a neighboring British settlement. The questions propounded make exclusive use of the term "Africans:" the same language is adopted by the Crown lawyers in their solution of those questions; and, throughout, the document, in letter as in spirit, bears incontrovertible proof that those who framed, as well as those who called for it, had no case in contemplation but such as, like the one then before them, might grow out of the removal of native Africans from their own country to be sold to slavery in foreign parts. Can it, therefore, be else than a matter of surprise that, with all this evidence before them, the colonial authorities of the Bahamas should have so construed the purpose and language of that document as not only to apply the doctrines it sets up to a case so dissimilar as that of the shipwreck of the "Encomium," but to apply them without the redeeming feature in it, which, in the opinion of the undersigned, might, failing all other guides for their conduct, have justified them in restoring the slaves to their masters.

In order more clearly to point out the dissimilarity between the case of the "Encomium," and that of the Portuguese vessel which the opinion of the Crown lawyers was intended to meet, the undersigned, with Lord Palmerston's permission, will submit a parallel between the condition of the African and that of the American slave. The one, born free, is forcibly carried away and sold to slavery in a foreign land; the other, born to servitude, does but continue in a condition to which his ancestors, for generations before him, had been reduced under a peculiar social organization. The one, by forcible abduction, becomes the property of a master, who holds him as merchandise, until he can dispose of him with profit; the other, under a title originally derived from British laws, continues in the service of a master bound to protect him; and, though transferable to another, under proper legal restrictions, he does not become an object of traffic or expatriation. The former is exposed to arbitrary treatment from the slave-dealer, who has but a temporary interest in his welfare; while the latter, like the free member of the State, is under the safeguard of laws, framed for the security of his person, and for the restriction of the power of his master over him. And, finally, in circumstances like that which has given rise to this representation, while the African is proceeding in the slave-ship from a land of freedom to what is to prove to him one of perpetual bondage, the American slave, under laws enacted by his country, and recognised by all civilized nations, is following the fortunes of his master, a passenger in the same ship with him, and merely removing for the advantage of both, probably—but certainly not for any purpose likely to aggravate the condition of the slave—from one section of the country to another, where he is secure of the same protection.

But even admitting, notwithstanding this wide distinction between the two cases, that the legal opinion upon which the Lieutenant Governor of the Bahamas professes to have acted is at all applicable to that of the "Encomium," the undersigned thinks that he can perceive in that document an allegation under which, had the authorities of the Bahamas been actuated by any share of the disposition to do justice which the undersigned believes to be entertained by his Majesty's Government towards that of the United

States, might have led to an adjustment of the subject which would have rendered this representation unnecessary. In their answer to the first query, the authors of the opinion have the following paragraph:

"The slave-trade acts, however, have introduced exceptions to this general prohibition in cases of absolute distress, and provide that no penalty or forfeiture shall be incurred by any landing, importing, transhipping, or carrying of any slaves, where it shall be proved to the satisfaction of the court that the prohibited act entirely arose from stress of weather, peril of the sea, or other inevitable accident; the burden of which proof shall, in all cases, be on the claimant or defendent." "On this authority we think that when assistance or relief is required at the Cape, in consequence of the distressed state of the crew or of the slaves, it may and ought to be afforded: but the extent of such relief and assistance should be measured and limited by the necessity and urgency of the case."

Upon this clause the undersigned might, perhaps, under his assumption that the document is susceptible of being made applicable to the case, safely rest the title of the claimants to redress. After being deprived by shipwreck of all they had but the persons of their slaves, the claimants, under circumstances of "absolute distress," and counting upon that hospitality which in all other civilized parts of the globe awaits persons in their situation, apply at the Bahamas for the means of satisfying the most pressing wants of nature and for a ship to carry them home. The undersigned feels that Lord Palmerston will think, with him, that no circumstances of "stress of weather, peril of the sea, or other inevitable accident," could have given to the applicants a more undoubted claim upon the authorities of the Bahamas for the assistance and relief which, in such cases, the Crown lawyers themselves think may and ought to be afforded. The refusal of that assistance is a circumstance which the undersigned is unable to reconcile with his idea of the kind of reception which a stanger in distress has, in the present enlightened and philanthropic spirit of the age, a right to expect at the hands of any Power on whose shores misfortune may have thrown him, or with the character of the relations which it is the wish of the United States to see firmly established between the two countries. The seizure of their property, instead of it, is a proceeding which the undersigned thinks equally irreconcilable with the ordinary principles of common justice.

The legal opinion alluded to was given in 1818, before the passing of the statute of 5 Geo. IV, chap. 113, "to amend and consolidate the laws relating to the abolition of the slave trade," some of the provisions of which it may be proper for the undersigned to notice in this place, under a belief that they confirm his view of the total inapplicability of the opinion of the Crown lawyers to the case under consideration, and that a reference to them cannot fail to satisfy Lord Palmerston that, repealing, as they do, all former acts relating to the slave trade, and laying down principles totally at variance with those upon which the colonial authorities of the Bahamas assume to have acted, they leave those officers entirely unsupported by any legal authority in the view they have taken of the case of the "Encomium," and the proceedings founded upon them.

The first section of the act, after declaring its object to be the amendment and consolidation of the various enactments relating to the slave trade, a term which it is believed no one will think of applying to any trade but the prohibited traffic in African slaves, proceeds to "repeal all acts and enactments relating to the slave trade and the abolition thereof, and the *exportation* and *importation* of slaves;" and the two following sections make it penal for any person to "deal" or "trade" in slaves, to "carry away or remove" them, to "import," to "ship them for the purpose of being imported," and to do all other acts necessarily connected with the former traffic in African slaves; but in none of those sections are there any expressions to authorize the inference that, in framing the act, the Legislature intended to provide for cases like that which forms the subject of this communication. In order to arrive at the true intent and meaning of a legislative enactment, no better auxiliary can be employed than a reference to the main object proposed to be attained by its framers. What was that object, as it presents itself to view in every clause of the act? The suppression and total abolition of the traffic in African slaves. The 9th section assimilates that traffic to the crime of piracy, and attaches to it the extreme penalty of the law. The 52d and following recite the treaties concluded for the same object between his Britannic Majesty and his allies, and provide the means of carrying them into effect. But in no part of the act is any thing to be found looking to the case of slaves belonging to the citizens of a friendly Power, accidentally cast upon the shores of a British settlement in the prosecution of a lawful voyage; while, on the contrary, the 21st section expressly enacts that nothing in the act contained "shall prevent the transhipping, and assisting at sea, any slave or slaves which shall be in any ship or vessel in distress."

With this implied if not express warrant to the authorities of the Bahamas to grant to persons situated as were the passengers of the "Encomium," that assistance which they came to seek at Nassau, because it was nowhere else to be found, it is difficult for the undersigned to conceive by what reasoning those authorities could have arrived at the conclusion that they were bound to interfere in any other way, aware as they must have been that the voyage of that vessel was sanctioned by the laws of the United States; and when they found, in the act referred to, provisions expressly authorizing, in those parts of the British empire where slavery existed at the time, the purchase and sale of slaves for the purpose of being employed in the same colony; their transfer coastwise from one part to another of the same colony, and even their removal from one island to another in the same colonial government; their employment in navigation and fishery; and, when serving in the capacity of domestics, their personal attendance on their masters, wherever these might choose to carry them.

The undersigned is not without hopes that, in the foregoing remarks, he will be found to have stated to the satisfaction of Lord Palmerston the grounds on which it may safely be assumed that, whether appealing to the opinion of the legal advisers of the Crown, in the case of the Portuguese slaver wrecked at the Cape of Good Hope, or invoking the provisions of British legislative enactments, the colonial authorities of the Bahamas, in refusing to restore the slaves who were passengers in the "Encomium" to their rightful owners, have acted in a manner not authorized by any public act intended for their governance in such cases.

Upon this expectation the undersigned might, perhaps, confidently rely for ultimate justice to the claimants; there are, however, considerations of a more general character, which occupy so prominent a place in the view taken of the subject by his Government and himself, that he is compelled to add a few more observations to this communication, which he regrets has already been so much extended. To some of those considerations he has before alluded, in his note respecting the case of the "Comet." They have their origin in the relations of good neighborhood, which it is so manifestly the interest of the two nations to maintain and improve; but which cannot be successfully cultivated so long as the subordinate agents of his Majesty's Government, placed in authority at stations contiguous to the territory of the United States, shall conduct themselves towards American citizens in a manner so little in accordance with the friendly sentiments on which alone those relations can be sustained.

The undersigned is instructed to say that their proceed-

ings in the case of the "Encomium" have produced a deep sensation throughout the United States; but especially in the South, where the existence of a large slave population has rendered the people more sensitively alive to every occurrence that may tend to disturb the relations existing there between master and slave. By the citizens of that portion of the Union, the late transaction at Nassau is looked upon as a direct interference with their rights of property—with rights which had their origin under British rule, and have, since the separation of the two countries, been guarantied to them by the laws of the United States. Looking again at the circumstances of the case, it cannot be denied that they furnish abundant cause for the dissatisfaction they have produced. The slaves were still in the quiet possession and under the entire control of their masters, whose sole desire was that they should be allowed to proceed with them to their destination, when they were forcibly seized and landed by the same persons who afterwards availed themselves of their own illegal act as a pretext for finally depriving the owners of their property. No application, either on the part of the slaves for their liberation, or on that of the masters for aid in enforcing their authority as such, appears to have been addressed to the colonial authorities. Their interference was wholly gratuitous and uncalled for, and can in no possible view of the case be considered as characteristic of any desire on the part of those officers to respect the rights of foreigners whom misfortune has placed in their power; particularly when it is considered that this is the second time that the same cause of complaint has, from their illegal acts, arisen in that quarter. Citizens of the United States conveying their property by sea from one part of the Union to another, under authority of the laws of their country, have been taught to believe that, if shipwreck or other calamity should compel them to seek an asylum in the ports of his Majesty's possessions, they might count with certainty upon that hospitality for themselves, and that protection for whatever else may have been spared by the disasters of the sea, which the laws of all civilized communities accord to misfortune in such cases; and the risks of that mode of conveyance have accordingly been calculated with a full reliance upon the permanency of the same just and benevolent policy. But it will readily occur to Lord Palmerston that if, upon erroneous pretences, the depositaries of power are to take upon themselves to declare the forfeiture of property thus unfortunately thrown in their hands, without previous warning of their intentions, immense losses will be sustained before the mode of conveyance referrred to can be changed, or the risks attending it so calculated as to afford to the owners of property embarked in it the benefit of the ordinary security afforded by commercial insurance and usage.

The United States cannot but feel with the Government of Great Britain upon all subjects connected with the final annihilation of the inhuman traffic in slaves, and are ever anxious to mitigate, by every means in their power, the evils of slavery, where that feature exists in their social organization; but, in whatever they have done towards the attainment of those objects, they have, with sedulous care, endeavored to respect and even to protect the rights of others against any injury that might accrue from the operation of their laws in relation to the subject; and, in proof of this, a case is now on record in which British slaves, owned in the very port of Nassau, and brought into the United States, on being saved from shipwreck, have, notwithstanding the existing laws prohibiting the landing of that description of persons in the country, been received and landed over to his Majesty's consul at New Orleans, for the purpose of being restored to their British masters.

The undersigned having, in the preceding remarks, fully stated the view which his Government has taken of the particular case under consideration, in its various bearings, has now but to perform the last branch of the duty which has been assigned to him. All other means of redress having failed, the claimants have appealed to the President for his official interposition in their behalf near the Government of his Britannic Majesty; and it is in consequence of the promise given them that that interposition should be promptly and earnestly afforded, that the undersigned has been especially instructed to lose no time in laying the case before Lord Palmerston, and to request that it may, with as little delay as possible, be taken into his lordship's favorable consideration. He is, moreover, commissioned to express the confident hope entertained by the President that, after fully weighing all the circumstances attending it, his Majesty's Government will perceive that full indemnity to the claimants, both in the case now particularly alluded to, and in that of the persons shipwrecked in the "Comet," which has repeatedly formed the subject of former representations, is due to justice as well as to the character of the relations now existing between the United States and Great Britain, from which it is his desire that all causes that may, by any possibility, tend to impair them, should be speedily and radically removed. The undersigned thinks that he has said enough in this note and in his former communications on the subject of these claims, to impress Lord Palmerston with a sense of the importance that no delay that can possibly be avoided, should be allowed to stand in the way of a speedy adjustment of them. Under that impression, and presuming that such an adjustment will prevent the recurrence of similar causes of complaint, he does not think it necessary to lay any particular stress on the request which he is likewise instructed to lay before his Majesty's Government, that suitable measures may, as soon as practicable, be adopted, to cause the just rights of the citizens of the United States to be respected in future by the authorities of his Majesty's colonies, should they again be placed in their power by misfortune or unavoidable accident.

The undersigned has the honor, on this occasion, to offer to Lord Palmerston the renewed assurance of his most distinguished consideration.

A. VAIL.

13 Old Cavendish St., *September* 20, 1834.

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*Extract of a despatch from Mr. Vail to Mr. Forsyth, dated January* 14, 1835.

I had, the day before yesterday, with the Duke of Wellington, an interview, which I had sought for the purpose of calling his attention more forcibly than I had before done, to the claim of the owners of slaves shipwrecked in the Bahamas in the years 1830 and 1834. After briefly laying before him the leading circumstances of the case, I endeavored to impress him with a sense of the importance attached by the President to its early adjustment, on the ground of common justice to the claimants themselves, and on account of the unpleasant state of feeling which the circumstance had produced amongst the slave-holding population of the United States. I adverted to the dilatory course hitherto pursued in regard to the claim, especially by the law department, and expresed my apprehension that the feelings which had been awakened by the discussion and passage of the emancipation act had been allowed to exercise upon the minds of those who had been charged to investigate the merits of the claim, an influence which had prejudiced the just rights of the parties interested. The duke said that, in consequence of what I had before stated to him on the subject, he had already given directions that the papers relating to it should be collected and laid before him; that this had not yet been done; but that I might rest assured that he would attend to it without delay; make himself acquainted with the merits of the question, and the stage to which the consideration of it had been carried; that, if ripe for a de-

cision, he would lose no time in making it known to me; and if not, that he would accelerate it, and see that no delay that could possibly be avoided should be allowed to put off the final adjustment of the matter. The earnest tone in which these promises were given, and the assiduity and punctuality which characterize the duke's official conduct, lead me to hope that the termination of this long-pending negotiation is not far remote.

*Extract of a despatch from Mr. Vail to Mr. Forsyth, dated January 22, 1835.*

I have from the Duke of Wellington additional assurances that our claims in relation to the shipwrecked slaves are under consideration, and have already been the subject of discussion between him and Lord Aberdeen, the colonial secretary.

*Extract of a letter from Mr. Vail to Mr. Forsyth, dated March 14, 1835.*

I took a late occasion to remind the Duke of Wellington of his promise of an early decision upon our claim respecting the slaves shipwrecked in the Bahamas. He said that the subject was now at the Treasury, and that he was only waiting for Sir Robert Peel to be somewhat relieved from the great pressure of his parliamentary duties, to summon him and the colonial secretary to a serious and final discussion of the merits of the claim; and that I might depend upon being apprized of their decision upon it at as early a day as the peculiar circumstances the Government are now placed in would permit.

*Extract of a letter from Mr. Vail to Mr. Forsyth, dated May 14, 1835.*

Sir: In the note of which a copy is enclosed, addressed by me on the 11th instant, to Lord Palmerston, respecting the seizure by the colonial authorities of Bermuda, and the subsequent liberation of the slaves, passengers on board the brig "Enterprise," I have endeavored, without going again into the arguments urged in favor of the analogous cases of the "Comet" and "Encomium," to impress the British minister with a sense of the importance which, independently of its intrinsic merits, the case derives from the danger of allowing the repetition of those occurrences to establish a practice which we never can sanction. My aim has been to impart to my representation as much strength as the case admitted, without making use of language that could produce any thing like irritation.

*Mr. Vail to Lord Palmerston.*

It is with deep regret that the undersigned, chargé d'affaires of the United States of America, acting under special instructions recently received from his Government, again has occasion to call the attention of the right honorable Lord Viscount Palmerston, his Majesty's principal Secretary of State for Foreign Affairs, to another illegal seizure of slaves, passengers in an American vessel driven by stress of weather within British jurisdiction, which makes it the duty of the undersigned to address to his Majesty's Government another such representation as those which have so long been before it, the subject of yet unanswered though repeated and earnest appeals to its justice.

The particulars of the present case are briefly told in the enclosed copy of a letter from the American consular commercial agent in the Bermudas to the Secretary of State, from which it appears that the brig "Enterprise," Elliott Smith master, having on board, as passengers, seventy-eight slaves, the property of citizens of the United States, was, while on her voyage from Alexandria, in the District of Columbia, to Charleston, in South Carolina, driven from her course by a continuance of tempestuous weather, and compelled, for want of provisions, to put, in distress, into the port of Hamilton, in the Bermuda islands; that, on her arrival there, she was seized by the colonial authorities, on the pretext of her having slaves on board, but subsequently released, and the master told that he might proceed on his voyage after repairing damages and refitting; that, afterwards, however, while about availing himself of this permission, he called at the custom-house for his ship's papers, the delivery of them was refused until the pleasure of the Governor of the colony, with reference to the slaves, could be ascertained; that, while detained by this delay, a writ of habeas corpus, issued by the chief justice, was served upon him, requiring his appearance before the court, and the production of the slaves, still remaining on board his vessel, who, on disembarking, were immediately taken from his custody, and proclaimed free, for having been landed in a colony where slavery had then ceased to exist.

The case, though varying in some of its details from those of the brigs "Comet" and "Encomium," already laid before Lord Palmerston, involves the same considerations, and, consequently, gives rise to a third claim of a precisely similar character. It is that of an American vessel pursuing a voyage recognised as lawful by the legislation of the United States and by all the principles of public law, forced, by the act of God, to seek, in a British port, a refuge from the tempest, relief from starvation for her crew and passengers, and that aid, protection, and hospitality, which the code of humanity as well as the immutable laws of justice and the best established usages amongst civilized nations, secure to the distressed mariner, and to the property in his charge. It exhibits the same desire on the part of the master, and the same exertions, by retaining the slaves under his charge and control, to prevent any act that, by any possibility, might be construed into an infraction of the well-known laws and policy in force in the colony, which prohibit the introduction of that description of persons; and the same gratuitous and uncalled for interference on that of the local authorities—first, in infringing those very laws by forcibly seizing and landing the slaves, when nothing appears to show that their safety rendered that step necessary, and then, by availing themselves of their own wrong, to declare the forfeiture of property thus, by uncontrollable events, placed in their power. The undersigned feels confident that such unwarrantable proceedings can be viewed in no other light than as a flagrant violation of all the principles which regulate the intercourse and promote confidence among friendly nations. He is instructed to say that, by the President of the United States, they are looked upon as an outrage committed by subordinate agents of the British power upon the rights and interests of American citizens, calling for a redress which he cannot but hope a sense of common justice, on the part of his Majesty's Government, will not allow them to deny, nor long to withhold.

The grounds upon which that confident expectation of prompt reparation is founded have already been fully laid before Lord Palmerston—first, in the note more than three years ago addressed to his lordship by Mr. Van Buren, then minister of the United State at his Majesty's court, in the case of the brig "Comet;" and, subsequently, in various communications from the undersigned in the same case, and that of the "Encomium." To the statements and arguments presented on those occasions, but little remains that the undersigned thinks could now be added with any prospect of more clearly setting forth the nature and extent of the wrong inflicted upon the parties aggrieved, or the legality of their claim. They were then urged, less with a view of establishing the justice of a demand which the Government of the United States, confiding in the friendly disposition of that of Great Britain, might safely have left to its own merits, and to the principles of right on which it rested, than of satisfying the technicalities of the law, and of showing that, apart from the indisputable equity of the case, the claimants, and their Government for them, were

prepared to appeal, without fear, to the spirit and letter of the written code of Great Britain, the solemn decisions of her courts of justice, and the deliberate opinions elicited from her jurists, when analogous points have been brought in question. It would but serve to consume his lordship's time to revert, in this place, to those statements and arguments: urged as they were with all the solemnity which express directions from the Government of the United States could impart to them, and with all the easnestness which a deep conviction of their truth could inspire, they were believed to have a claim to the favorable consideration of his Majesty's Government, which had raised in the mind of the President an expectation that the subject would long ere this have been adjusted. The undersigned has had too many proofs of the disposition evinced by Lord Palmerston to remove from the intercourse between the United States and Great Britain all cause of difference susceptible of affecting its harmonious character, to admit the supposition that the long lapse of time which has intervened since the date of the first communications of the American legation upon the subject of these claims, is to be viewed as an evidence of want of attention to them on the part of his Majesty's ministers, or of an under estimate of their importance; but he is bound by his instructions to say that, in the opinion of his Government, the delay has been protracted far beyond any period that could have been considered necessary for the most deliberate examination, in all their bearings, of the different questions in any event likely to arise from those communications; and to repeat that, aware though the President be of the delicate character of some of those questions, and disposed, in that spirit, to make every allowance that circumstances appeared to suggest, that delay has been to him a cause of much surprise, and of a regret which he has caused the undersigned frankly to make known to and impress upon his Majesty's Government.

The undersigned has, in his former communications, endeavored to convey to Lord Palmerston an understanding of the importance which these claims derive from their liability to be multiplied, so long as the delegates of his Majesty's power in the colonies adjacent to the Southern sections of the United States shall be permitted to consider the inaction of the metropolitan Government upon the cases under consideration as sanctioning their unjustifiable proceedings. His desire that what he cannot but look upon as a delusion involving dangerous consequences, should, as speedily as possible, cease to be entertained by those authorities, again impels him to present for the consideration of his lordship the fact, that the tide of emigration from the central parts of the Union having taken a direction towards the South, the case daily occurs of owners of slaves removing, by sea, with their families and domestics, and taking a course which unavoidably carries them into the waters of the British islands at the entrance of the Mexican Gulf, where, from the dangers attending the navigation of those seas, they are exposed to such disasters as those which have given rise to these representations. So confident was the undersigned that the case of the "Comet" must speedily be followed by others which would but serve to render the subject still more difficult of adjustment, that, more than two years ago, in his note of the 4th April, 1833, he predicted the recurrence of similar events, unless a line of conduct more accordant with the friendly relations existing between the two countries were, without delay, prescribed to the local authorities in his Majesty's colonies. Twice has that prediction already been verified; and it is a melancholy cause of regret to think that, had the reiterated efforts made by the undersigned in the note above cited, and in his other communications, written and verbal, to Lord Palmerston, been attended with the effect which they were intended to produce, the Government of the United States would have been spared the unpleasant duty of ordering this another fresh appeal to the justice of Great Britain.

To another part of the note above referred to, the undersigned feels it his duty again to request Lord Palmerston's particular attention. It is that in which, speaking the language dictated to him by his instructions, he adverts to the impossibility that the Government of the United States should ever subscribe to the doctrine which the course pursued by the colonial authorities would tend to establish, that those authorities possess the power to take from the custody of his master, and declare the freedom of every American slave whom chance or circumstances beyond control, as in the cases under consideration, have placed within their reach. Such a doctrine, fraught, as it would be, with other consequences of the most dangerous character, could not fail, if allowed to grow into practice in possessions within sight of the coast of the United States, as are some of the British islands in that quarter, to give rise to disputes and collisions between the inhabitants of the opposite shores, which the Government of the two countries would find it difficult to reconcile with the amicable relations which it is their desire, not less than their interest, to cultivate and improve.

The undersigned has it in command to apprize Lord Palmerston that the excitement created among the people of the slave-holding members of the Union, in consequence of the second seizure of their property in the case of the "Encomium," has been revived on the occasion which more particularly calls for this communication. His lordship is sufficiently acquainted with the degree of influence which, in the United States, the popular sentiment must ever exercise over the actions of those who are intrusted with the conduct of public affairs, to understand that, in a case like the present, where that excitement is the result of legitimate causes, the President has additional motives to feel it is his bounden duty to ask, in behalf of his appeal for the redress of a manifest and indisputable wrong, the immediate action of his Majesty's Government. Lord Palmerston has, in the former communications of this legation, been made acquainted with the nature of the reparation expected by the parties aggrieved, and called for by the circumstances of the case. It but remains for the undersigned to say that the American Government, disappointed by the delay which has hitherto occurred in advancing towards an adjustment of this unpleasant and exciting subject of difference, will henceforth expect to find an evidence of the extent and sincerity of the desire entertained by that of Great Britain to suppress all motives of irritation between the two countries, in the promptitude with which his Majesty's ministers, taking this new appeal into their favorable consideration, will exert themselves to conduct the subject of it to that final and satisfactory termination which, alone, the President can allow himself to look for from the enlightened justice of the British Government.

The undersigned avails himself of this opportunity to tender to Lord Palmerston the renewed assurance of his highest consideration.

A. VAIL.

13 Old Cavendish St., *May* 11, 1835.

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*Extract of a letter from Mr. Vail to Mr. Forsyth, dated November* 6, 1835.

Sir: While the members of this Government were so exclusively engaged as they have been for some time past by engrossing topics growing out of the domestic concerns of the country, I deemed it useless to make any particular exertion to urge an answer to our claims arising from the seizure and liberation of slaves shipwrecked in the British possessions near our shores; never forgetting, however, that I was required by my instructions not to allow the subject to be lost sight of. Believing that I might now venture upon a reminder of our applications, I obtained, a few days ago, from Lord Palmerston, an interview, at which I began by remarking upon the length of time which had elapsed since the date of the first of those applications,

the frequent renewals of them, the nearly as frequent promises of an answer, not yet fulfilled, and the importance attached by my Government, independently of the individual interests involved, to the settlement of the questions which had grown out of the circumstances attending those claims. I stated that my standing instructions made it for me an imperative duty again to bring the subject forward and recommend it to the early and earnest consideration of his Majesty's Government; and I inquired whether any progress had been made towards a settlement. Lord Palmerston said that, though otherwise much engaged, his attention had often been directed towards those claims, which, both from their merits and the circumstances under which they were presented, had been to him a subject of solicitude; that, as I was aware, they had long been under investigation by the law officers of the Crown, who had found the subject so full of difficulties and involving points of such moment, that they had almost shrunk from the task of arriving at definitive and binding conclusions upon them. To the allegation, repeated by his lordship, that the positive statute law of the realm forbade the removal of persons from any British possession to be dealt with as slaves, I again reminded him that, in all the three case, the actual landing of the slaves within the British jurisdiction had been the act of British authorities, ineffectually opposed and protested against by the owners of the property; and that no law ought to be allowed to take advantage of the laches of those appointed to execute it. He said that the reports so far made by the ordinary law officers of the Crown were but partial, and insufficient to enable the cabinet to clear the subject of its legal difficulties; that no settlement of the claims could be effected without ministers' going to Parliament for the necessary appropriation; that the subject was one of such a delicate nature, particularly at this time, that they could scarcely expect an application to that effect to be successful unless sustained by the most unequivocal expression, from the highest law authority in the kingdom, of the legal and positive obligation of Government to answer the demand of the United States; that, as soon as the adjournment of Parliament had given leisure to ministers to look at the question, their deliberations had convinced them of the necessity of a clear legal demonstration of that obligation; and that, not finding it in the documents before them, nor seeing any prospect of its being obtained from the ordinary law authorities, they had resolved to seek it elsewhere, and that the result of his last conference with Lord Melbourne and the Chancellor of the Exchequer, had been a resolution to refer the whole matter to the judicial committee of the Privy Council, in whom resides the highest legal power in the State; that, accordingly, our different applications, together with all the documents connected with the claims, had been laid before the committee, who either were at this time, or soon would be, engaged in the examination of them; and their opinion once obtained, would, if favorable to the claimants, enable them to back their application to Parliament by authority of the highest character, and if unfavorable, to predicate their answer to our demands upon grounds which would satisfy the President that the obstacles in the way of an adjustment did not arise from any motive inconsistent either with justice or with their friendly dispositions towards the United States. To my inquiry whether the proposed investigation by the judicial committee of the Privy Council would be attended with much delay, Lord Palmerston expressed his conviction that their attention would be immediately engaged in it, and that a prompt result might be confidently anticipated. I then requested that, if he saw no objection, he would, in a note, either official or not, as he might think fit, communicate to me the substance of which he had stated, as to the stage to which the business had been carried; and he promised that he would do it, so as to enable me to put you in possession of it by this opportunity. The promised communication has not yet been received at the legation.

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*Extract of a letter from Mr. Vail to Mr. Forsyth, dated November* 14, 1835.

Sir: I have the honor to communicate to you a copy of the note from Lord Palmerston, which had been promised me in time to be sent by the last packet, but which was only received last night, apprizing me, officially, of the reference to the judicial committee of the Privy Council of the subject of our claims arising from the liberation of the slaves shipwrecked in the British islands in the brigs "Comet," "Enterprise," and "Encomium."

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*Lord Palmerston to Mr. Vail.*

The undersigned, his Majesty's principal Secretary of State for Foreign Affairs, has the honor to acquaint Mr. Vail, chargé d'affaires of the United States of America, that, after an attentive consideration of the important questions involved in the claims brought forward by Mr. Vail and his predecessors, for compensation for the loss of slaves from on board of the United States vessels "Comet," "Encomium," and "Enterprise," his Majesty's Government have determined to refer the whole subject to the judicial committee of Privy Council, as being the highest legal authority which can be consulted on this difficult matter; and steps are now taking for this purpose by his Majesty's Treasury.

The undersigned avails himself of this opportunity to renew to Mr. Vail the assurance of his distinguished consideration. PALMERSTON

Foreign Office, *November* 13, 1835.

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*Extract of a letter from Mr. Stevenson to Mr. Forsyth, dated July* 14, 1836.

Having been accredited, I shall now earnestly enter upon the subjects of the negotiation committed to my charge by your instructions, and press, at an early day, the claims for indemnity on the part of those American citizens whose slaves were illegally seized and confiscated in some of the British islands. Mr. Vail's last communication to Lord Palmerston upon the subject remains yet unanswered.

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*Extracts of a letter from Mr. Stevenson to Mr. Forsyth, dated July* 29, 1836.

I received by the last packet but one, your despatch of the 14th of June, * * * It found me busily engaged in preparing my first communication to Lord Palmerston, upon the claims of our citizens for the seizure and confiscation of their slaves by the British colonial authorities. I was consequently prevented from answering it, as I had intended doing, last week. I completed yesterday my argument upon these claims, and placed it in the hands of Lord Palmerston, with an earnest appeal for a speedy and final answer. * * * I expressed, as I was instructed to do, in strong though respectful terms, the painful surprise and regret of the President at the delay which had taken place in the adjustment of these claims, accompanied by an assurance from myself, that he had not relinquished the expectation of its still being done. * * * I have received since my arrival here, letters from some of the claimants, complaining deeply of the delay, and urging my attention to their claims. I shall continue to press them at every favorable opportunity, until they are settled. The length of my communication to Lord Palmerston will not enable me to send you a copy of it by the packet to-day, but it shall be forwarded next week, and I shall feel gratified if the manner in which I have fulfilled your instructions shall meet with the approbation of the President and yourself.

*Extract of a letter from Mr. Stevenson to Mr. Forsyth, dated August 6, 1836.*

I now transmit to you a copy of my communication to Lord Palmerston upon the subject of the shipwrecked slaves, to which I hope soon to receive a favorable answer.

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*Mr. Stevenson to Lord Palmerston.*

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, has the honor to acquaint Lord Palmerston, his Majesty's principal Secretary of State for Foreign Affairs, that the instru tions which he has received from his Government make it an indispensable act of duty to seize the earliest occasion of calling the attention of his lordship and that of his Majesty's Government, to sundry claims of American citizens for indemnity for a large number of slaves wrecked near the British islands, in the neighborhood of the American continent, and which were seized and liberated by the colonial authorities of his Majesty's Government. The undersigned need scarcely remind Lord Palmerston that it is now more than four years since the first of these cases (the "Comet") was presented to the consideration of his Majesty's Government by Mr. Van Buren, the then minister of the United States at this court; since which, two other cases (the "Encomium" and the "Enterprise") have been added by Mr. Vail, the American chargé d'affaires, followed up by repeated and earnest appeals in favor of indemnity for the losses incurred by the seizure and confiscation of these cargoes of slaves, the property of citizens of the United States. Notwithstanding these appeals to the equity and justice of his Majesty's Government, and the confident expectation of the President, as often expressed, that the whole proceedings of the colonial authorities would be disavowed, and a speedy adjustment of the claims have taken place, no other answer has yet been given by his Majesty's Government, as the undersigned has been informed, than that the subject had been referred to the judicial committee of Privy Council, the highest legal authority of the Government. This delay, as Lord Palmerston has heretofore been advised, and, as might justly have been expected, has caused extreme solicitude and regret on the part of the Government and people of the United States, arising, not less from the importance of the principles involved, and the value of the rights believed to have been violated, than from an awakened and wide-spread sensibility in those portions of the confederacy where the existence of a large slave population has rendered the people more keenly alive to every thing which is calculated to disturb the relations existing between the master and slave. It is under such circumstances that the undersigned has been specially instructed by his Government to press again this subject upon the early and earnest attention of his Majesty's Government, and, in doing so, he would not fulfil the duty enjoined upon him, or act with the frankness due to the subject, if he did not seize the occasion as a fit one to acquaint Lord Palmerston that it has not been without increased and painful regret that the President has learned that the representations which have heretofore been made in favor of these claims, have not only failed in producing the indemnity to which they were believed to be entitled, but a knowledge of the grounds upon which it has been deemed proper by his Majesty's Government to withhold it. Whilst, however, these just expectations of the President have not been fulfilled, the undersigned is gratified in having it in his power to assure Lord Palmerston they have not been relinquished, and that the President is still persuaded that their accomplishment will result from a careful review, by his Majesty's Government, made in the spirit of moderation and equity, of the facts and considerations which belong to the subject. Reluctantly indeed would the Government of the United States be pursuaded that the delay which has already taken place in the final adjustment of these claims, was imputable to any intention on the part of his Majesty's Government to procrastinate their decision, or treat with disrespect or injustice the Government or people of the United States.

The characters of both Governments forbid any such construction. All must believe that both Governments are animated with the same zeal to do each other equal justice, and to cherish the friendly relations which now so happily subsist between them, and that each is alike incapable of offering or suffering any injury of this description. In making this renewed appeal to the well-known justice of his Majesty's Government, by order of his own, the undersigned is satisfied that it will receive a deliberate and candid examination, and if it shall appear, as he is confident it will, to be recommended by those principles which it is the interest as well as the duty of all Governments to observe and maintain, the claims under consideration will not only be admitted, but finally adjusted by his Majesty's Government.

The previous communications heretofore made by Mr. Van Buren and Mr. Vail having placed his Majesty's Government in possession of full and authentic information, not only as to the number and value of the slaves seized and liberated, and the circumstances under which it was done, but of the grounds upon which the claims for indemnity rest, it will not be needful, nor is it the intention of the undersigned, in the remarks which he will have the honor of submitting to Lord Palmerston's consideration, to recapitulate in detail the statements or repeat the arguments contained in the communications of his predecessors, and with which his lordship must doubtless be familiar. The undersigned will therefore content himself with referring Lord Palmerston to these communications for proofs which it is unnecessary to repeat, and for arguments which he could scarce hope to improve. As there are, however, some principles and doctrines involved in these proceedings of the colonial authorities so new and alarming, not only to national sovereignty and sensibility, but to the rights of property and the friendly relations of the two countries, the undersigned feels that he owes it to his own Government, as well as that of his Majesty, to present upon this occasion to the consideration of Lord Palmerston, the views which have suggested themselves to his mind, with the grounds upon which they rest. He will do this with all possible brevity, but at the same time with the utmost simplicity and frankness, assured, as he is, from the disposition manifested by Lord Palmerston throughout the negotiation, that the undersigned could in no other way so well consult the wishes of his lordship or the respect which he owes to his Majesty's Government.

That the remarks which he intends to submit may be clearly understood and applied to the facts in proof, he will very briefly restate the three cases as they have heretofore been presented to Lord Palmerston's consideration.

And first, as to the Comet. This vessel sailed in January, 1831, from the port of Alexandria, in the District of Columbia, bound to New Orleans, in the State of Louisiana, (both ports being within the limits and jurisdiction of the United States,) with a cargo of one hundred and sixty-four native-born slaves, the property of citizens of the United States. She struck in the night upon rocks in the Spanish Key, bilged, and became a wreck before day. The slaves were all saved, and placed on a reef of rocks in sight, from which they were soon afterwards taken by three Bahama wrecking vessels belonging to British subjects, and carried into the harbor of Nassau. Arrived off the port, a boat was despatched to advise the American commercial agent residing in Nassau of their distressed situation, and requesting to be informed if there was any objection to entering the port, and remaining until another vessel could be procured, in which the slaves might be transhipped to their

original port of destination. On receipt of the agent's answer, the vessel passed the bar, and came to anchor within the harbor, when the agent placed guards on board, and eleven of the slaves escaped, and were by the authorities of Nassau put in confinement. The remaining number were afterwards seized, libelled in the instance court for a violation of the British statutes in relation to the importation of slaves, but the libel, on a hearing, was dismissed, and the slaves ordered by the court to be restored. The colonial authorities, however, interposed, refused to let the slaves be surrendered, and having declared them free, they were abandoned by the captain.

The second case, the Encomium, took place in 1832. This brig, with forty-five slaves on board, sailed on the 2d of February, 1832, from Charleston, in the State of South Carolina, to New Orleans. On the night of the 4th (two days only after sailing) she was wrecked on a reef near the island of Abaco. The slaves were landed on a small island called Fish Key, and taken by his Majesty's wreckers to the port of Nassau, in New Providence, where, as in the case of the Comet, the slaves were declared free by the colonial authorities, and accordingly liberated.

The third case was that of the Enterprise, which sailed from Alexandria, in the District of Columbia, to Charleston, in South Carolina, with seventy-eight slaves, the property also of citizens of the United States. This brig was driven from her course by tempestuous weather, and compelled, for want of necessary provisions, to put into the port of Hamilton, in one of the Bahama islands. On her arrival, she was seized under the pretext of having slaves on board, but was afterwards released, and the captain informed that he might proceed on his voyage. Soon afterwards, however, and whilst engaged in availing himself of the permission, a writ of *habeas corpus* was issued and served upon him, requiring the production of the slaves then on board the vessel. The writ was obeyed, and on disembarking the slaves, they were immediately taken from his custody and declared free, in consequence of their having been landed in a colony where slavery had ceased to exist.

These cases, it will at once be perceived, are substantially alike in their nature and character, and involve the same principles and consequences. The important inquiry, then, which first presents itself, is this: Upon what grounds are the proceedings of the colonial authorities to be justified; and had Great Britain any right to enforce, against these vessels, and the property of citizens of the United States, the municipal laws of her dominions? And here the undersigned will take occasion to remark that, whatever doubts might have existed in the case of the Comet, as to the true grounds upon which the authorities of Nassau interposed and liberated the slaves, they have since been removed by the proceedings in the subsequent cases of the Encomium and the Enterprise.

By the official declaration of the Lieutenant Governor of New Providence in those cases, it was expressly declared that, in liberating the slaves, the colonial authorities acted under no British statute declaring the freedom of any slaves that might be landed within the British dominions, but that it was alone upon the authority of an opinion (which they were bound to respect) given by Sir Christopher Robinson, judge of the vice admiralty court, and the late Lord Gifford, at the instance of the Secretary of State, for the regulation of the Governors of his Majesty's colonies, upon the subject of fugitive and shipwrecked slaves brought within their jurisdictions. The following is an extract from that part of the opinion in relation to this subject: "*That all Africans cast on the shores of a British colony in consequence of the wreck of the vessel in which they were conveyed as slaves, are not to be considered as slaves illegally imported, but as free persons; and in such cases we think the Governor of the colony has no power to deliver up these Africans, without their consent, to the person claiming ownership over them, either for the purpose of being dealt with as slaves in the colony, or being conveyed to a foreign country for the purpose of being so dealt with. In such case, as in abandoned slaves, they are to be dealt with by the Governor as persons in such a situation (not being Africans) would be, and no claim for indemnity could be supported by the supposed owner on account of such interference by the Governor.*" This opinion was given in 1818 in relation to a Portuguese ship, engaged in the African slave trade, which was wrecked with a cargo of Africans on the coast of a British settlement near the Cape of Good Hope; and doubts having arisen what course the Governor of the colony ought to pursue in relation to the subject, the law officers of the Crown were consulted, and gave this opinion. Of the doctrines contained in this opinion, and of their total misconception and misapplication by the authorities of New Providence, the undersigned will forbear at this time to enlarge; but he begs leave to refer Lord Palmerston to the communications of his predecessors under date of the 25th of April, 1832, and the 20th September, 1834, in which this branch of the subject may be examined and discussed, and in which it is clearly shown that this opinion was alone intended to reach the case of *Africans and the African slave trade*, and not the *slaves of the United States*, and that it was therefore wholly inapplicable to the cases now the subject of consideration by his Majesty's Government. The claim of power, then, on which his Majesty's Government is left to vindicate the proceedings of their colonial authorities, must rest exclusively upon the provisions of their West India emancipation act, passed in 1834. This act abolishes slavery throughout the possessions of the British Crown, and declares that, in no part of the empire, whether metropolitan or colonial, shall the rights incident to slavery any longer be enforced; that the fugitive slave, whatever may be his obligations, or whatever the rights of others over him in a foreign country, shall, within the British dominions, be henceforth regarded and dealt with as a free man. With the operations of this act within the dominions of Great Britain, and over its subjects, foreign nations can have no interest—the legislative and judicial authority of his Majesty's Government over its own subjects and colonies being indisputable; but no independent nation will ever consent to concede to Great Britain, under this act, or any other, the right to legislate for it, as well as her own dependencies. It is against all such doctrine and its consequences, as applicable to the United States and its citizens, that the undersigned now feels himself, as the representative of his country, called upon in the most solemn manner to protest. And before any color can be given to such a claim of power and jurisdiction, under the West India act of emancipation, it will be incumbent on those who assert it, not only to establish that slaves are not property within the United States, but that slavery and the slave trade are prohibited and condemned by the law of nations: for if it be true that, by the constitution and laws of the United States, slaves are not property, and the slave trade is prohibited by the law of nations, then, indeed, there would be some foundation for the argument that, in relation to these seizures and confiscations, there had been no violation of national rights and no claim to the indemnity asked.

These two points the undersigned will now proceed to examine. Upon the first, as to the nature and character of the slave property in the United States, the argument lies within a narrow compass, and it will not be needful for the undersigned to enlarge. He feels assured that it will only be necessary to refer Lord Palmerston to the provisions of the constitution of the United States, and the laws of many of the States, to satisfy him of the existence of slavery, and that slaves are there regarded and protected as property; that, by these laws, there is, in fact, no distinc-

tion in principle between property in persons and property in things, and that the Government have more than once, in the most solemn manner, determined that slaves killed in the service of the United States, even in a state of war, were to be regarded as property and not persons, and the Government held responsible for their value: that the first article of the constitution of the United States, apportioning representatives among the several States, expressly recognises slavery, and incorporates it in the principles of their Government. Domestic slavery, then, is not only not prohibited by the Government of the United States, but forms a basis (as property) of their representation; is infused into their laws and mixes itself with all the sources of their authority. Nor is this doctrine of property in slaves new to Great Britain. At one time the annals of her history inform us that, by the solemn judgment of her twelve judges and the high law officers of the Crown, negroes were not only regarded as property, but declared to be merchandise within the operation of her navigation laws, at least with respect to her colonies; and recently, (indeed at the period of the seizure of the Comet,) her West India colonies were filled with slaves. So, too, in her treaties with the United States, Great Britain has repeatedly recognised the principle of property in slaves, and as such made compensation for them. As far back as the treaty of 1783, there was a provision "*that all prisoners on both sides shall be set at liberty, and his Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any* NEGROES *or* OTHER PROPERTY *of the American inhabitants, withdraw all his forces,*" &c. Again: in the treaty of Ghent, as late as 1814, it was provided in one of the articles "*that all places belonging to either of the parties shall be surrendered without causing any destruction or carrying away,* &c. ANY SLAVES *or* OTHER PRIVATE PROPERTY." Under this treaty the abducted slaves were ascertained and paid for by his Majesty's Government. It is worthy of remark that, in both these treaties, negroes and slaves are, *in terminis*, declared and admitted by both the contracting parties to be property. Regarding them as property in her solemn treaties, and paying for them as such, can it now be maintained, at least as far as Great Britain and America are concerned, that the slaves of the latter are not to be considered as property, and this too after repeated adjudications of the highest tribunals both in England and America, as well as by the law of nations, that slaves shall be regarded as property in every nation whose municipal regulations sanction slavery? How can the United States, as a sovereign and independent nation, surrender the vital right to regulate the subjects of property according to their own opinions of right, or as convenience or policy may dictate; and what nation has a right to ask from her such a sacrifice? Such a right she cannot and will not consent to surrender. The first point, then, in support of the claim of jurisdiction fails. Nor is the question under the law of nations, in the opinion of the undersigned, less clear and conclusive.

When or where has the doctrine ever been established, that slavery or the slave trade was prohibited or condemned by the law of nations? How long has it been since this trade, once participated in by the civilized nations of Europe, has been regarded as criminal by the public law, or its prohibitions enforced by the confiscation of the property of those engaged in it? When was it so considered by the statesmen and jurists of Europe or America? How often has this question of slavery and the slave trade been the subject of adjudication in the British courts? Can there be an instance pointed out in which Great Britain herself, whenever the question has been made in her courts, has not admitted, in the most solemn manner, that the slave trade was not prohibited by the law of nations? Her judicial annals are filled with cases affirming directly this doctrine; and, in proof of this, the undersigned begs leave to refer Lord Palmerston to one or two leading cases. In an action brought by a *Spanish merchant* against a captain of the royal navy, for damages in having seized his ship, with three hundred slaves, engaged in the African slave trade, the court of King's bench unanimously decided that foreigners, who are not prohibited by the laws of their own country from carrying on the slave trade, may, in British courts of justice, recover damages for the wrongful seizure, by a British subject, of a cargo of slaves on board a ship engaged in that trade. In that case the following language was held by some of the judges:

*Bayley, Judge.* "Although the language used by the Legislature, in the statute referred to, is undoubtedly very strong, yet it can only apply to British subjects, and can only render the slave trade unlawful if carried on by them. It cannot apply in any way to foreigners. It is true that, if this were a trade contrary to the law of nations, a foreigner could not maintain the action; but it is not: and as a Spaniard cannot be considered as bound by the laws of the British Legislature prohibiting this trade, it would be unjust to deprive him of a remedy for the wrong which he has sustained. He had a legal property in the slaves, of which he was by the defendant's act deprived."

*Best, Judge.* "The statutes that have been referred to speak in just terms of indignation of the terrible traffic in human beings; but they speak only in the name of the British nation. The declaration of the British Legislature that the slave trade is contrary to justice and humanity, cannot affect the subjects of other countries, or prevent them from carrying on this trade out of the limits of the British dominions. The assertion of a right to control the subjects of other States in this respect, would be inconsistent with the independence which we acknowledge, and that every foreign Government possesses. If a ship be acting contrary to the general law of nations, she is thereby subject to confiscation; but it is impossible to say that the slave trade is against what may be called the common law of nations. It was, until lately, carried on by all the nations of Europe. It is clear that the slave trade is not condemned by the general law of nations. The subjects of Spain have only to look to the municipal laws of their own country, and cannot be affected by any laws made by our Government."

Again: in some of the more recent cases in England, the doctrine was elaborately considered by Sir William Scott, and the previous decisions fortified by his high authority. These decisions have justly been regarded as settling the question in the English courts, and throughout his Majesty's dominions. The undersigned again prays Lord Palmerston's attention to the following language of Sir William Scott, animadverting upon a decision given in Sierra Leone, condemning a Swedish vessel engaged in the slave trade:

"This condemnation," says the judge, "took place on principles which this court cannot in any manner recognise, inasmuch as the sentence affirms that the slave trade, from motives of humanity, has been abolished by most civilized nations, and is not, at the present time, authorized by any. The court is disposed to go as far in discountenancing this odious traffic as the law of nations, and the principles recognised by English tribunals, will allow it in doing; but beyond these principles it does not feel itself at liberty to travel. It cannot proceed in a sweeping anathema of this kind against property belonging to the subjects of other foreign independent states. The position laid down in the sentence of the court below, that the slave trade is not authorized by any civilized State, is, unfortunately, by no means correct, the contrary being notorious from the fact that it is tolerated by some of them. This trade was, at one time, universally allowed by the different nations of Europe, and carried on by them to a

greater or less extent, according to their several necessities. Our own country, it is true, has taken a more correct view of the subject, and has secured the abolition of the slave trade as far as British subjects are concerned; but it claims no right of enforcing its prohibitions against the subjects of those States who have not adopted the same opinions with respect to the injuries and immoralities of the trade. It is highly fit that the judge of the court below should be corrected in the view which he has taken of this question, since the doctrine laid down by him in his sentence is inconsistent with the peace of this country and the rights of other States."

In another case, on an appeal to the high court of admiralty, the whole doctrine was again reviewed, and the following strong and marked language was used by Sir William Scott, in declaring the judgment of the court:

"Let me not be misunderstood or misrepresented as a professed apologist for the practice, when I state facts which no man can deny: that personal slavery, arising out of forcible captivity, is coeval with the earliest history of mankind; that it is found existing (and, as far as it appears, without animadversion) in the earliest and most authentic records of the human race, and was recognised by the codes of the most polished nations of antiquity; that, under the light of Christianity itself, possession of persons so acquired, has been, in every civilized country, invested with the character of property, and secured as such by all the protections of law; that solemn treaties have been formed, and national monopolies eagerly sought, to facilitate and extend the commerce in this asserted property; and all this with the sanction of law, public and municipal, and without any opposition, except the protests of a few private moralists, little heard and less attended to in any country, until within these few years in this particular country. If the matter rested here, I fear it would have been deemed a most extravagant assumption in any court of the law of nations, to pronounce that this practice—the tolerated—the approved—the encouraged object of law ever since man became subject to law, was prohibited by that law, and was legally criminal. But the matter does not rest here. Within these few years, an undeniable change of opinion has taken place, particularly in this country. Formal declarations have been made, and laws enacted in reprobation of this practice, and painsably and zealously conducted, have been taken to induce other countries to follow the example, but at present with insufficient effect; for there are nations which adhere to the practice under all the encouragement which their own laws give. What is the doctrine of our own courts of the law of nations relating to them? Why, that their practice is to be respected; their slaves, if taken, restored to them; and, if not taken under innocent mistake, be restored with cost and damages. All this wisely upon the ground that such conduct on the part of any State is no departure from the law of nations."

And such, too, has been the course of decisions in the Supreme Court of the United States. The late chief justice Marshall, following in the footsteps of Sir William Scott on this subject, thus expounds the doctrine:

"That the course of opinion on the slave trade should be unsettled, ought to excite no surprise. The christian and civilized nations of the world, with whom we have intercourse, have all been engaged in it. However abhorrent this traffic may be to a mind whose original feelings are not blunted by familiarity with the practice, it has been sanctioned, in modern times, by the laws of all nations who possess distant colonies, each of whom has engaged in it a common commercial business which no other could rightfully interrupt. It has claimed all the sanction which could be derived from long usage and general acquiescence. This trade cannot be considered as contrary to the law of nations, which was authorized and protected by the laws of all commercial nations, the right to carry on which was claimed by each, and allowed to each. Whatever might be the answer of a moralist to this question, a jurist must search for its legal solution in those principles of action which are sanctioned by usages, the national acts, and general assent of that portion of the world of which he considers himself as a part, and to whose laws the appeal is made. If we resort to this standard as the test of international law, the question is decided in favor of the legality of the trade. Both Europe and America embarked in it, and for nearly two centuries it was carried on without opposition and without censure. A jurist cannot say that a practice, thus supported, was illegal, and that those engaged in it might be punished, either personally or by deprivation of their property. In this commerce, thus sanctioned by universal consent, every nation has an equal right to engage. How is this right to be lost? Each may renounce it for its own people, but can this renunciation affect others? No principle of general law is more universally acknowledged than the perfect equality of nations. Russia and Geneva have equal rights. It results from this equality that no one can rightfully impose a rule on another. Each legislates for itself, but its legislation can operate on itself alone. As no nation can prescribe a rule for others, none can make a law of nations, and this traffic, therefore, remains lawful for those whose Governments have not forbidden it."

The undersigned, in thus bringing to the view of Lord Palmerston these decisions of the English and American courts, was anxious that his lordship should see that the only ground upon which the legality of the slave trade has ever been assailed, to wit, that it was contrary to the law of nations, has been finally and conclusively settled both by the bench and bar in both countries. There is, then, the highest authority for assuming that slavery and the slave trade are not prohibited by the public law, but are wholly untouched by it. The second and strong ground, then, in vindication of the right claimed to liberate these slaves by the colonial authorities fails, and with it, of course, the right itself. If, then, before the passage of the West India emancipation law, the slave trade was not only not prohibited, but protected, the next inquiry which presents itself is this: Can the provisions of that law, whatever they may be, change the universal law, and be made to operate upon the property of American citizens under such circumstances as those which distinguish these claims? What, then, is the nature and extent of such jurisdiction under this act? That the municipal laws of one nation cannot be extended beyond its own territory (except as regards its own subjects or citizens) so as to bind the subjects or citizens of another nation, is a proposition which the undersigned had supposed was too clear now to be questioned. However differently the law of nations may be understood in different countries, it has never been supposed to confer on one nation the right of invading, under its municipal regulations, the rights or property of another. Among all the doubtful principles of public law asserted in modern times, there is not one of a more alarming and dangerous character than *this*. It results from the equality and independence of nations, as well as the universal principles of right, that the jurisdiction intrusted to one nation, for wise and equitable purposes, by that public law which is common to all, cannot and ought not to be allowed to encroach upon the rights of other nations. The laws of nations, which consider States as so many individuals upon a footing of relative equality, confer jurisdiction upon none without annexing to the grant a condition that, in its exercise, it shall not trench upon the rights of any other member of the great society of nations. Regarded as a system of moral equity applied to civil society, as it justly is, its great object is, not only to respect, but shield from infringement the rights

of all without preference of any. To the consequences which would follow from the establishment of a right in any one nation to extend its laws beyond its own territory and subjects, to those of other nations, none can be insensible, and especially nations between whom there exists such enlarged views of policy and friendship as those of Great Britain and the United States. Ought any single nation to desire or hope to control the universal law? Will free and sovereign nations subscribe to any such pretension on the part of any one? Ought they? Will any one nation agree, at the will of another, to have its sovereignty violated, and the property of its citizens sacrificed, and they reduced to ruin? Besides the peculiar character of the trade between Great Britain and America, which such a power would destroy, would not its exercise tend to draw them from those peaceful and friendly relations, upon the continuance of which the interests and happiness of both so especially depend? Upon this subject the undersigned speaks with the utmost confidence when he assures Lord Palmerston that the claim of power involved in these proceedings of the colonial authorities, swelling as it must the jurisdiction of his Majesty's Government, not only over its own dominions and subjects, but giving a direct and unqualified control over other nations and their citizens, can never be conceded by the Government of the United States, without surrendering its independence and sovereignty as a nation, and disregarding those high obligations of duty which it owes to its own citizens and the other nations of the world. But is such, in truth, the wish or doctrine of Great Britain, and will his Majesty's Government support their colonial authorities in asserting or enforcing it? It is presumed not. And here it becomes important to inquire into the objects and character of her act of West India emancipation, upon which must now exclusively rest the justification of the seizures and confiscations in these cases. Did the Parliament that passed that act intend to confer, under its provisions, any such power upon his Majesty's Government or its colonial authorities? That they did not, is, in the opinion of the undersigned, more than apparent; and he is justified in this opinion, not less by the language of the act than by its objects.

The leading motives of those who passed that law cannot, he thinks, be mistaken. That they were to place the colonies of the British Crown upon the same footing with the mother country in relation to their slave population, none, it is presumed, can doubt. Regarding domestic slavery as a social and moral evil, the British Parliament intended (and it was so declared at the time) this act as the remedy for its final extinguishment. It was, however, for Great Britain and her colonies, and not for America, that they legislated. It was by the force of example, and not by municipal enactments, that they hoped and intended to affect the laws and institutions of other nations upon this deeply interesting and agitating subject.

A different and more enlarged interpretation of the act is not only unauthorized by its language, but would be unsuitable to its objects, and at variance with the rights of all other nations. And such, too, the undersigned is happy to believe, was the view taken of it by one of the present enlightened and distinguished ministers of his Majesty's Government, in official instructions given by him to the local authorities of the colonies, for their government under this act, soon after its passage. In proof of this the undersigned begs leave to refer Lord Palmerston to the circular despatch which Mr. Secretary Spring Rice gave to the Governors of the West India colonies, including the Bahamas and Bermuda, to the Cape of Good Hope, and to the Mauritius, dated the 4th of November, 1834. In this despatch the following language was held by Mr. Secretary Rice: "*The abolition of slavery on the first of August, did not impose the duty or confer on us a right of furthering the same result in foreign countries, by promoting the desertion of their slaves, or by any other indirect methods. After the lapse of many years, the Parliament and people of this realm, aided by and associated in this great work with the Legislatures of the British colonies, have established the principle that domestic slavery is a moral and social evil, which, as a matter of wise policy, as well as of moral and social duty, it became necessary, to extinguish. But we have no claim to demand the adoption of that principle by other nations. On the contrary, we must respect in them that proprietary right which we have so long exerted and exercised ourselves. The moral influence of our example will not be without a salutary, and, as I trust, an early effect upon the slave codes of other States. In the mean time, justice and humanity concur in requiring us rather to discourage than promote the resort of foreign fugitive slaves to the shores of our own colonies.*" This language is too clear to be misunderstood or resisted. It fixes the true character and object of this law, and shows its total incompetency to justify the proceedings of the colonial authorities in relation to these cases. It may then fairly be assumed that slavery, not being prohibited by the law of nations, or the Government and laws of the United States, but protected by both, and Great Britain having no right to extend her laws beyond her territories, (except as regards her own subjects,) and not intending that her act of West India emancipation should be so regarded, the proceedings, in these cases, of her colonial authorities, were unauthorized and illegal, and the indemnity asked of his Majesty's Government both equitable and just. Here the argument on the question of power might safely be concluded, but the undersigned wishes to consider it under the most favorable light in which it can be placed for those who justify the proceedings of the colonial authorities.

Let it then be conceded, for purposes of illustration, that the colonial authorities had the right of liberating American slaves seeking the protection of Great Britain, or carried within her dominions, it is yet maintained that, before the jurisdiction can attach, the possession of the slaves must have been acquired rightfully, and not in violation of any of the principles of public law, or the usages of civilized nations. Let these cases be tested by this standard.

These vessels, it will be borne in mind, belonged, with their cargoes, to a nation at peace with Great Britain. They were engaged in transporting from one part to another of their own country, the property of its own citizens. That, by the laws of that country, and of the several States, the right of transporting their slaves is especially protected and guarded. That these vessels, sailing under the protection of the law of nations and existing commercial treaties, suffered shipwreck, under the most appalling circumstances, upon the British coast. The cases are purged of any intentional violation of the laws of Great Britain, by clear and irrefragable proofs. Their avowed destination was to the United States. They were seized by British wreckers, in an open sea, and carried into port. The protests of the masters were disregarded; the complaints of the commercial agents treated with contempt, and the slaves liberated. Can the acts of these wreckers, in seizing these vessels and their cargoes, be made to affect their innocent owners? Are they to be held responsible for the acts of British subjects? Would it be just to visit upon the owners of property, under such circumstances, the sins of others, or the acts of God? But if these vessels had been engaged in a trade contrary to the law of nations and the municipal laws of their own country, and consequently subject, by the public law, to seizure and confiscation by Great Britain, or her colonial authorities, *coming under other circumstances into their power;* yet, did not the simple fact of having obtained possession of them, through the *means of shipwreck and necessity*, interpose a barrier against the exercise of

power which the civilized nations of the world, at all times and under all circumstances, have acknowledged and held sacred and of binding force! And how strongly is such a claim of protection illustrated by the doctrines of public law, and the practice of civilized nations in relation to a state of war. After a declaration of war, Vattel declares that the sovereign cannot detain the persons or property of the subjects of the enemy who are within his dominions at the time of the declaration of war, but is bound to allow them time to withdraw; and if, after reasonable time allowed, they are detained by insurmountable impediments, as sickness and the like causes, the time must be extended. Hence, too, the tribunals of the law of nations, before they have enforced the principles of blockade, have uniformly admitted that, if a party be led into the blockaded port by some accident which he could not control, or for want of some information which he could not obtain, he shall be excused, and suffered to depart. Nor is this doctrine of extending protection to the shipwrecked and unfortunate unknown to Great Britain. She has, herself, consecrated it in her practice, under the most rigid system of her blockade and prize laws. In proof of this, the undersigned will content himself with referring to a single and leading case. In the case of the *Diana*, the council, in 1800, restored an enemy's ship for the single reason that she had been compelled to enter the port *by stress of weather, and to avoid shipwreck*. Upon that occasion the Attorney General said, "*I should equally fail in my respect to myself and to the council before whom I have the honor to represent the Government, were I not to maintain a principle consecrated by our laws, and those of all nations.*" So, too, Sir William Scott, in another case, declared "*that an imperative, overruling compulsion to enter a blockaded port, such as continued gale or shipwreck, will always excuse.*" If, then, this doctrine of humanity is to be respected and enforced upon the subject of blockade (the most severe and harsh in its operation of any in the whole code of public law) in the case of a common enemy, with what peculiar force is it applicable to two nations situated as Great Britain and America now are! There is believed to be no warrant for the exercise of such a power, under such circumstances, in the opinion of any respectable writer upon public law; no written or recorded precedent in the practice of any of the civilized nations of the world. Shall the barbarous practice of ancient times, "which took that which the tempest spared," be again revived? Shall misfortune and shipwreck be considered criminal, and confidence in the justice and hospitality of a friendly nation be punished by forfeiture and confiscation? Will a nation, standing so pre-eminently high as Great Britain, lend its sanction to doctrines condemned alike by reason and justice; by that law which flows from and is founded on them; and by the universal voice of every civilized nation—doctrines which received the solemn denunciation and reprobation, in the face of the whole world, of her own high tribunals? That it will not, the undersigned will not permit himself for a moment to doubt. So much as to the general principles involved in these claims. Before, however, closing the discussion, (upon which, perhaps, he has dwelt too long,) the undersigned will take occasion to offer a single remark upon the course which the Government of the United States have felt it their duty to take upon the subject of the African slave trade. He is aware, as is probably Lord Palmerston, that there is supposed to exist some degree of inconsistency between the measures taken by the American Government for the abolition of that trade, and the doctrines which it now maintains; but is there, in truth, any color for such an imputation? That the Government of the United States have used all the means in its power, consistently with the constitution and the rights of the confederated States, to abolish this trade, is most true; but it has been done alone by the force of municipal laws and regulations. They have not only prohibited it to their own citizens by penal as well as revenue and trade laws, but made it a high criminal offence, and punished it as piracy. The existence of domestic slavery in the United States forms no excuse for extending the guilt or misery of the African slave trade. It should be borne in mind by those who are upbraiding the United States with inconsistency, that slavery was introduced among them during their colonial dependence, and against the solemn remonstrances of their legislative councils. America did not introduce it. There is no nation, then, that has any right to reproach her for supposed inconsistency in her honest efforts to extirpate the slave trade whilst she yet tolerates domestic slavery. The last is a matter not for other nations, but for herself alone; and, as to the first, the undersigned will take occasion to say that, whilst many, nay, most of the civilized nations of the world were engaged in this odious traffic, and whilst it was sanctioned by most of the nations having colonies, and who engaged in it as a commercial business, America led the way, and was foremost among all Christendom in adopting and enforcing the most rigorous measures for its final overthrow. In resisting, then, the right of his Majesty's colonial authorities to confiscate the property of its citizens, and supporting their claims for indemnity, the Government of the United States are not only consistent, but are fulfilling the highest obligations of duty; and the undersigned wishes it to be distinctly understood that his Government, in the course which it is taking upon this subject, disclaims any wish of connecting it with the policy of the two countries upon the subject of the abolition of the African slave trade. He feels justified, then, in solemnly and confidently asserting that the course of the Government of the United States in relation to this subject, affords no just ground for any supposed imputation of inconsistency. Thus much the undersigned has felt it his duty to say, in vindication of his Government, upon the subject; if he had said less, that duty would have reproached him.

Upon the character of the indemnity, and amount of compensation, it will not be necessary at this time to say any thing. That will, as a matter of course, become a subject of negotiation, after the principles involved shall have been settled. Should however his Majesty's Government finally determine to make compensation, rather than return the slaves, or should the return of the slaves become impracticable under any implied faith which may have been pledged to the slaves by the colonial authorities, then, the undersigned presumes (in the absence of any specific instructions from his Government on the subject) that the violation of any such pledge will not be required either by the claimants or his Government; but satisfactory arrangements can be made for ascertaining the value of the slaves, and the injuries sustained, and such compensation accepted as the justice and equity of the cases may justify.

The undersigned has now had the honor of presenting to Lord Palmerston the views which have suggested themselves to his mind upon this important subject. He has endeavored to urge them in a manner due to the importance of the subject and the interests and feelings of his own country, and with sentiments of profound respect for his Majesty's Government. In forbearing to press the subject further upon the attention of Lord Palmerston, the undersigned feels assured that a mind less liberal and enlightened than his lordship's will perceive, not only the deep interest which the subject possesses but the just grounds upon which the claims for indemnity rest, and that these will constitute a sufficient motive with his lordship to employ his interposition with his Majesty's Government for their speedy adjustment, in the manner best adapted to its accomplishment. As the Government of the United States expects from the undersigned an early communication upon the subject, he feels assured that his lordship will take pleasure in enabling him to fulfil the expectation in a satis-

actory manner. The undersigned, however, cannot consent to close this note without again expressing to Lord Palmerston the full confidence which the President of the United States feels, not only in the disposition of his Majesty's Government to do justice to these claims, but in its sincere wish to preserve the friendly relations between the two countries, and, if the efforts of the undersigned in the final and satisfactory adjustment of this interesting subject shall be crowned with success, it will give him a source of high and durable pleasure.

The undersigned eagerly avails himself of the occasion again to renew to Lord Palmerston the assurance of his most distinguished consideration.

A. STEVENSON.

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*Extract of a letter from Mr. Stevenson to Mr. Forsyth, dated August* 22, 1836.

As yet I have received no answer from my communication upon the subject of the shipwrecked slaves. Apart from the intrinsic difficulties which the subject itself at the present moment, presents to the ministry, arising out of public sentiment, the dissolution of Parliament and the press of interesting affairs which continually demand the attention of the cabinet have probably contributed to delay the answer. As most of the ministers have left town for the country, nothing will be done, I presume, until they return in the fall. I shall not fail to renew the subject at a proper time, and press its decision.

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*Extract of a letter from Mr. Stevenson to Mr. Forsyth, dated October* 5, 1836.

I have yet received no answer to my communication upon the subject of the shipwrecked slaves. Indeed at this period of the year, ministers are so frequently out of town, and the opportunities of having decisions of the Government upon important questions so rare, that it is difficult to say when an answer may be expected. I shall continue, however, to urge the importance of an early and final decision, and especially before the ensuing session of Congress.

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*Extract of a letter from Mr. Stevenson to Mr. Forsyth, dated November* 19, 1836.

No answer has yet been received to my note about the shipwrecked slaves, nor can I say when one may be expected. As soon as the ministers of the cabinet return to town I will again call the attention of the Government to the subject and urge a decision.

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*Extract of a letter from Mr. Stevenson to Mr. Forsyth, dated December* 14, 1836.

I had flattered myself with the hope of receiving, before this time, an answer to my last communication to the Government here, upon the subject of the claims of our citizens for their shipwrecked slaves. Having been disappointed in this, and seeing no prospect of any thing being done, I determined to make another effort, and accordingly addressed, yesterday, to Lord Palmerston, a note on the subject, urging the necessity of a decision, and desiring to know when one might be expected. I transmit herewith a copy of my note, by which you will see that I have pressed the subject with the earnestness and in the manner that the character of the delay and the circumstances under which it has taken place required. Indeed, after a delay of so many years in the adjustment of mere private claims, amounting almost to a denial of justice, I deemed it proper to make my note as short as I could well do, consistently with delicacy to the Government here and the self-respect due to our own. I presume I shall get an answer to this note. * * * * * * *

Should the delay continue, and the President or yourself wish any other and stronger step to be taken, I shall expect to be advised on the subject, and the degree of urgency that I am to adopt. I pray, therefore, to be honored with your instructions.

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*Mr. Stevenson to Lord Palmerston.*

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, has the honor again to call the attention of Lord Palmerston, his Majesty's principal Secretary of State for Foreign Affairs, to the several communications heretofore made to his Majesty's Government in behalf of the claims of certain citizens of the United States for injuries sustained by them in consequence of the proceedings of the British colonial authorities of the Bahamas.

By reference to these communications, it will be seen that the first of these claims was presented to the consideration of his Majesty's Government as early as February, 1832, and the last of them as far back as May, 1835, and that more than four months have elapsed since the last note which the undersigned had the honor to address to Lord Palmerston was received, to which no answer has yet been given. Having in that communication expressed to his lordship, as he was instructed to do, the disappointment and regret with which the delay, on the part of his Majesty's Government, in deciding these claims, had been regarded by the Government of the United States, and the confident expectation entertained by the President that no further delay would be suffered, but that an early decision of them would be made, the undersigned had flattered himself with the hope that he should not only before this time have been honored with an answer to his communication, but that he should have had it in his power to have communicated to his Government the gratifying intelligence of the final and satisfactory adjustment of the whole subject. Disappointed in this reasonable expectation, the undersigned feels himself constrained, as well by considerations of what is due to the claimants as a sense of duty to his Government, to make another, and, he hopes, more successful appeal to the candor and justice of his Majesty's Government. In doing so the undersigned will abstain from entering into any further discussion of the merits of these claims, or of the proceedings of the colonial authorities under which the injuries for which indemnity is asked were committed. This has been too fully and recently done, both by the undersigned and his predecessors, to render a recapitulation either necessary or proper. The undersigned will, therefore, content himself with again inviting the attention of his Majesty's Government to the subject, in a confident hope that the difficulties which have heretofore prevented an earlier decision of these claims will be removed, and a speedy adjustment of them be promptly made.

That his Majesty's Government are sincerely desirous to do impartial justice to these claims, as well as avoid, with scrupulous regard, all unnecessary delay in their settlement, the undersigned will readily admit; but, that his Majesty's Government have been fully sensible of the importance of the principles involved in them, or of the injurious consequences which have resulted from the delay in their final disposition, he must be permitted to doubt.

Of the character and consequences, however, of the protracted delay which has taken place, the undersigned will forbear to speak. Sensible as he is of the various and important matters which must necessarily demand the time and attention of his Majesty's Government, the undersigned has supposed it not improbable that the subject of these claims may have been regarded as matters of secondary

consideration, and have, consequently, been postponed for other more pressing concerns by his Majesty's Government. It is in this view that the undersigned feels himself justified in again inviting the attention of Lord Palmerston to the subject, and making another appeal to the justice of his Majesty's Government.

The undersigned, therefore, begs leave respectfully to renew to Lord Palmerston his entreaties for an early and amicable adjustment of these claims, and to request his lordship to place before his Majesty's Government the assurance that, whilst the Government of the United States would continue to regard with profound regret and increased sensibility any further delay in this matter, it yet entertains the confident expectation that his Majesty's Government, sensible of the high obligations it owes as well to itself as to the United States, will not longer consent to postpone the decision of a subject which has been for so many years under its consideration, and the effect of which can be none other than to throw not only additional impediments in the way of an adjustment and increase those feelings of dissatisfaction and irritation which have already been excited, but, by possibility, tend to disturb and weaken the kind and amicable relations which now so happily subsist between the two countries, and on the preservation of which so essentially depend the interests and happiness of both.

The pure and lofty principles which the Government of the United States never cease to cherish and practise in its intercourse with foreign nations, and its confidence in the good faith as well as justice of his Majesty's Government, forbid any apprehension that the just expectation which it has formed of an immediate and amicable adjustment of these claims by his Majesty's Government will not be promptly met and fully realized.

As the President of the United States will expect to hear from the undersigned, at an early day, upon this subject, and may wish to make known to Congress (now in session) the present state of the negotiation, the undersigned prays that Lord Palmerston will have the goodness to inform him whether his Majesty's Government have come to any decision respecting these claims, and, if not, at what time one may be expected.

The undersigned requests Lord Palmerston to accept renewed assurances of his distinguished respect and consideration. A. STEVENSON.

23 Portland Place, *December* 13, 1836.

## DEPORTATION OF FOREIGN PAUPERS.

*Report from the Secretary of the Treasury, relative to the deportation of Paupers from Great Britain, &c., in obedience to the resolution of the Senate of the 4th July*, 1836. *December* 7, 1836.

Treasury Department, *December* 7, 1836.

Sir: In compliance with a resolution of the Senate adopted on the fourth of July last, to wit: "That the Secretary of the Treasury be directed to cause to be collected and laid before the Senate, at its next session, all such facts and information as can be obtained through the custom-houses, or from any other sources, respecting the deportation of paupers from Great Britain and other places, ascertaining, as nearly as possible, to what countries such persons are sent, where landed, and what provision, if any, is made for their future support," I have the honor to report, that circulars were immediately addressed by the Department, upon the receipt of the resolution, to such of the United States consuls and commercial agents abroad as were supposed most likely to be able to furnish the information called for. A copy of one is annexed, (A.). The collectors of the principal custom-houses were also instructed to communicate such facts in relation to the subject as they might be able to obtain at their respective ports. The answers to these inquiries are contained in the papers herewith transmitted, numbered from 1 to 19,

I have the honor to be, very respectfully, your obedient servant, LEVI WOODBURY.
*Secretary of the Treasury.*

To the Hon. Martin Van Buren,
*Vice President U. S. and President of Senate.*

(A.)

*Circular to certain Consuls and Commercial agents of the United States.*

Treasury Department, *July* 7, 1836.

Sir: I beg leave to invite your special attention to the annexed resolution, adopted by the Senate of the United States on the fourth of the present month, directing the Secretary of the Treasury to cause to be collected and laid before that body, at its next session, information respecting the deportation of paupers from Great Britain and other places, &c. Believing that your official station affords you facilities of obtaining important information upon this subject, I will thank you to procure, from authentic sources, such facts relating to the inquiries contained in the resolution as will enable this Department to comply with the directions of the Senate. I should be pleased to be furnished with your answer by the first of November next.

I am, very respectfully, your obedient servant,
LEVI WOODBURY,
*Secretary of the Treasury.*

United States Consul at———.

In Senate of the United States, *July* 4, 1836.

*Resolved*, That the Secretary of the Treasury be directed to cause to be collected and laid before the Senate, at its next session, all such facts and information as can be obtained throngh the custom-house, or from other sources, respecting the deportation of paupers from Great Britain and other places, ascertaining as nearly as possible to what countries such persons are sent, where landed, and what provision, if any, is made for their future support.

Attest: WALTER LOWRIE, *Secretary.*

No. 1.

Unined States Consulate,
*Bremen, September 5*, 1836.

Sir: I have the honor to acknowledge the receipt of your esteemed circular of the 7th July, 1836, requesting information respecting deportation of paupers from Great Britain and other places, &c. I am sorry that the information desired is not to be procured from authentic sources; for, properly speaking, it cannot be said that paupers are deported from Germany, though it may sometimes (but very rarely) be the case that families, almoners, and civil authorities, in order to get rid of a burdensome fellow or troublesome subject, pay what is necessary for such a person to cross the Atlantic. But, among the German emigrants, a great number of which annually embark at this port, and who nearly all go to the United States, there are many persons and families who, when they have paid for the passage, have little or no money left, and probably many of them, on arriving in the United States, are quite destitute of all. The different Governments of Germany are, in general, not much pleased with the spirit of emigration since several years predominant in Germany, and, as is said, try by all means to keep their subjects at home. The emigrants very often loudly and bitterly complain that the said Governments, before they give to people the per-

mission to depart, put as many obstacles as possible in the way of the persons who intend to emigrate. Such emigrants, as I hear, must usually prove to their Governments that they have money enough to pay for their travelling expenses and for their passage, the said Governments being afraid that the emigrants may, by travelling uselessly, spend their little fortune, and then return and come on the charge of the community; and the emigrants are therefore obliged to renounce and give up all their rights as natives of the country. After the emigrants have got the permission to emigrate, and set out, then their former Governments do not further care for them.

The letters or circulars addressed to the United States consul at Hamburg, Munich, Leipzic, and Cassel, which were sent to me with the said circular of the 7th July last, enclosed in the same envelope, have immediately been put into the post office.

I have, sir, the honor to remain, with the greatest respect, your most obedient servant,

H. W. BOHME, for
JOSHUA DODGE.

The Hon. LEVI WOODBURY,
*Secretary of the Treasury, Washington.*

No. 2.

CONSULATE OF THE U. S. A.,
*Hesse Cassel, Sept.* 8, 1836.

HONORABLE SIR: I beg leave to report, in conformity to your honor's circular of the 7th July last, that, as far as I have been able to ascertain, none of the German Governments have caused, or even indirectly sanctioned, any deportation of their paupers; on the contrary, their laws and finances forbid such operation.

The only forced deportation which has come to my knowledge is from the free Hanseatic town of Hamburg, the Government of which deports, from time to time, those criminals who have been either condemned for life or a long period. They give them the choice either to endure their time or to emigrate; in which case the Government pays their passage. A number of them have been sent to New York, and this year to Brazil.

The great number of German paupers in the United States arises from the low rate of passage-money which of late had existed. Steerage passengers were taken last spring from Bremen, and found with good provisions, at $16 each grown person. This price the Bremen ship-owners could only afford by carrying always a large number, to obtain which they had their agents all over the interior of Germany, and induced the lower class, who live in a very impoverished state, to emigrate, by making them believe that labor was so much demanded in the United States that any able-bodied man could earn, as soon as landed, $2 a day. Young and old, healthy and sickly, thought now of nothing but to emigrate; every sacrifice was made; even their clothes were sold, and, if this did not suffice, the balance begged; and all those who could scrape together enough to pay their passage went to the United States, where the majority landed penniless, and a great number of them, consisting of old people, women, and children, unable to work, as the German Government does not allow their young men to emigrate until they have fulfilled their military obligation. This traffic on the part of the Bremen ship-owners will continue as long as the laws of the United States do not make their masters liable for the support of the passengers which they bring to the United States, and our shores will be filled so long with paupers of all kinds.

I have the honor to be the honorable Secretary's most obedient servant, CHARLES GRAEBE.

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

No. 3.

CONSULATE OF THE U. S. A.,
*Dublin, September* 1, 1836.

SIR: I have been favored with your letter of the 7th ultimo, in which you direct my attention to a resolution adopted by the Senate of the United States on the 4th of July, directing the Secretary of the Treasury to cause to be collected and laid before that body, at its next session, information respecting the deportation of paupers from Great Britain and other places, &c., and requesting that I would procure, from authentic sources, such facts relating to the inquiries contained in the resolution as will enable your Department to comply with the directions of the Senate.

Your letter contains a copy of the resolution to which it refers, and, having carefully perused the same, I beg leave to state, in reply, that if the word "pauper" is intended to refer to that description of persons so termed in England as being entitled to relief from the parish, having no poor laws in this country, we are, of course, without any such persons in Ireland.

Our poor in this country are very poor indeed—so poor as to be altogether without the means of support, even for a few days, and, consequently, totally unable to provide the cost of transport to a foreign country.

The population of Ireland being very great, and rapidly increasing, and the wages of labor being very low, emigration has prevailed to much greater extent than in England or Scotland.

After having made strict inquiry on the subject, I cannot ascertain that any fund has been established by Government, or any public body or body of individuals, for the deportation of emigrants, and I am of opinion that none such exists; but it is by no means an uncommon occurrence for individuals possessed of large landed properties in this country, being desirous to thin or lessen the population on their estates, and to increase the size of their farms by throwing several small holdings into one, to agree with such tenants to pay the expense of their passage to America. The number so deported, however, is not considerable, and has not, at this port, exceeded five or six hundred in the last five or six years, and they have been provided, I understand, with a few pounds each, with a view to their support, until they could procure labor, after their arrival.

Of those who emigrate to America from this country, I should think nineteen-twentieths embark for Canada, whatever their ultimate destination may be. This is attributable, in a great measure to the low charge for passage from hence to Quebec, compared with that from the United States, the former being twenty-five to thirty shillings for adults, the latter about five pounds; and this great difference arises from the abundance of tonnage leaving Ireland in ballast for Canada, in the spring of the year, and the comparative scarcity of vessels for the United States, and to enactments contained in the passenger acts of the respective nations. By the English act, vessels are allowed to carry three adult passengers for every five tons register tonnage of the vessel; two persons under fourteen years are counted as one adult, and three persons under seven years of age are counted as one adult: whilst, by the United States act, only two persons for every five tons are allowed, and infants are counted the same as adults.

I may also remark that, for some years past, the direct intercourse between this port and the United States has greatly fallen off, in consequence of the very easy and constant communication kept up from hence by steam navigation to Liverpool, from whence supplies of United States produce are imported on such terms and in such quantities as suit the immediate wants of the consumers. We consequently have few American vessels coming to this port,

and those who are desirous to embark for the United States are obliged to proceed, in the first instance, to Liverpool: this precludes me from forming any accurate idea of the numbers which proceed from hence to the United States. But this fact is not, perhaps, of importance in your inquiry, as those proceeding via Liverpool are, generally speaking, not only far from being paupers, but, in my opinion, may be considered the best of our agricultural population, being persons who, by their own industry, having accumulated sufficient means to pay the cost of transporting themselves and their families, and very frequently taking out considerable property along with them.

The information procurable at our custom-house would not tend to throw any light on the subject under investigation, as their reports merely give the number of emigrants in each year, without any reference to rank or station in society.

If you require and point out any further information, I shall be most happy to procure it for you, if in my power.

I have the honor to be, sir, your obedient humble servant, THOMAS WILSON.

To Levi Woodbury, Esq.,
*Secretary of the Treasury.*

No. 4.

Consulate of the United States,
*Belfast, September* 1, 1836

Sir: In reply to your "circular to certain consuls," &c. under date of 7th July, respecting the deportation of paupers, I beg to state that there are no paupers deported by the public authorities from within my consular district. I however may remark that a considerable number of the emigrants who leave here for the United States, Canada, &c., are supposed to do so with little or no property beyond their sea-stock, and consequently land abroad nearly or wholly destitute. Of the number of these, or the amount of their provision or property, if they have any, there are no means of gaining any correct information or estimate, from the circumstance of their emigrating as private individuals, on their own resources.

I am, sir, very respectfully, your obedient servant,
THOMAS W. GILPIN.

The Hon. Secretary *of the Treasury.*

No. 5.

United States Consulate,
*Rotterdam, September* 13, 1836.

Sir: I had the honor to receive, on the 10th instant, circular of 7th July last, accompaning a resolution adopted by the Senate of the United States, directing the Secretary of the Treasury to cause to be collected and laid before that body, at its next session, information respecting the deportation of paupers from Great Britain and other places, &c. In reply, I beg to state that no deportation of paupers has taken place from this country. The passengers from hence to the United States are chiefly Germans, who emigrate voluntarily, and at their own expense; although many of them have but just the means to defray the expenses of the voyage, and are destitute on their arrival in the United States.

I have the honor to be, very respectfully, sir, your obedient servant, J. WAMBERSIE,
*United States Consul.*

The Hon. Levi Woodbury,
*Secretary of the Treasury.*

No. 6.

Consulate of U. S. of America,
*Londonderry, (Ireland,) September* 19, 1836.

Sir: I have the honor to acknowledge the receipt of your letter of the 7th of July last, requesting to be informed as to the deportation of paupers from Great Britain and other places.

There has been, for many years past, and still continues, a large emigration from this port to different parts of the United States, and also to the British settlements in North America; and, from my knowledge on the subject, I have no hesitation in stating that the description of persons who generally embark for the United States from this port are of good character, in comfortable circumstances, and certainly many degrees removed from paupers.

On the contrary, the greater number of the persons who embark for the British settlements, on account of the cheap conveyance, are the evil and ill-disposed, who will not do well in their own country, and the landed proprietors are glad to get rid of them, which they do by paying their passages, and laying in sufficient provisions for the voyage, totally regardless of how they are to make out life on their arrival.

The reason why North America is preferred, is on account of the cheapness of the passage. They are, therefore, principally all paupers.

I have the honor to be, sir, your most obedient servant,
JAMES CORSCADEN.

To Levi Woodbury, Esq.,
*Secretary of the Treasury.*

No. 7.—(1.)

Consulate Office U. S. A.,
*Cove of Cork, October* 12, 1836.

Sir: In compliance with your circular, dated 7th July last, I have the honor to transmit the accompanying list of passengers who have emigrated from this port to North America and New South Wales from January to August, 1836, inclusive.

The information in respect to North America, I have been favored with by Lieutenant Friend, R. N., emigration agent at Cork, in a private and verbal communication, declining, at the same time, to give it in writing without the authority of the board of customs at London. The emigrants to North America did not receive any assistance, having paid for their own deportation. The emigrants to New South Wales were sent out by Government, and provided for in the colony on their arrival.

I could not procure the returns from Limerick or Waterford, the dependencies of this consulate: and I beg to refer you to the copy of a letter I have received from Waterford, herewith sent, which will exhibit the difficulty there is in obtaining the "authentic" information required.

I am, sir, your obedient servant,
JOHN MURPHY,
*United States Consul.*

Hon. Levi Woodbury,
*Secretary of the Treasury.*

(2.)

Waterford, *October* 3, 1836.

Sir: I am in receipt of yours of the 30th ultimo. In reply, I made application at the custom-house for the information you required, but the officers decline giving the return without permission from the board of customs in London. They state that they are prohibited from giving any returns whatever to either merchants, ship-owners, or others. In consequence of their declining to give me any information on the subject, I applied to different ship-owners and agents concerned in emigration, but could obtain no certain or satisfactory information on the subject; in fact, some of them actually refused, fearing that their doing so might afford the means of injuring themselves, (amongst others, Mr. D Carigan and Mr. J. Penrose.) I should be happy to do any thing in my power to oblige you, and regret that I should, in the present instance, be unsuccessful: but the fact of the matter is, they fear some interfer-

ence in their passengers trade, and are extremely jealous of any attempt which may be made to elicit information.

MATTHEW FARRELL.

(3.)

*A list of emigrants, and vessels in which they sailed, from Cork to North America, from January to August included*, 1836.

| | | |
|---|---|---|
| Try-again, | for New York, | 120 |
| Edwin, | for St. John's, N. B., | 120 |
| Andromeda, | for Quebec, | 64 |
| Champlain, | for St. Andrew's, | 133 |
| Hibernia, | for St. John's, | 122 |
| Penelope, | for Quebec, | 113 |
| Recovery, | for do. | 128 |
| Eliza Ann, | for St. John's, | 198 |
| Urania, | for Quebec, | 189 |
| Pallas, | for St. Andrew's, | 201 |
| Lochiel, | for St. John's, | 97 |
| John Easdale, | for Quebec, | 45 |
| Elizabeth, | for Halifax, | 82 |
| Barbadoes, | for Quebec, | 200 |
| Dominica, | for do. | 232 |
| Henry, | for St. John's, | 73 |
| St. Patrick, | for Newfoundland | 74 |
| Ponsalia, | for Quebec, | 201 |
| Kangaroo | for St. John's | 92 |
| Bob Logic, | for Halifax, | 83 |
| John & Mary, | for Quebec | 130 |
| George, | for St. John's, N. B., | 111 |
| Clitus, | for Bay of Chaleur, | 115 |
| Recovery, | for St. Andrew's, | 97 |
| Aid, | for Bay of Chaleur, | 70 |
| Betsey Heron, | for Quebec, | 149 |
| Abercromby, | for do. | 267 |
| Bumbury, | for St. John's, | 99 |
| Lady Amherst, | for St. Andrew's, | 75 |
| Frederick, | for do. | 135 |
| Mary, | for St. John's, | 75 |
| Brisk, | for Halifax, | 71 |
| Thos. Worthington, | for Quebec, | 312 |
| Barbadoes, | for do. | 135 |
| Thomas Handford, | for St John's, | 140 |
| Susan, | for do. | 79 |
| Sea-horse, | for do. | 100 |
| Elizabeth, | for Bay of Sert, | 61 |
| Joseph Wheeler, | for Quebec, | 115 |
| Total, | | *4,993 |
| Recevery, | for Quebec, | †133 |
| Penelope, | for do. | †128 |
| John Patterson, | for New South Wales, | ‡340 |

No. 8.

CONSULATE OF THE UNITED STATES,
*Glasgow, August* 20, 1836.

SIR: I have had the honor to receive your circular dated 7th July, with copy of a resolution adopted by the Senate of the United States on the 4th of July last, respecting the deportation of paupers from Great Britain, &c. In reply, I have merely to say that the deportation of paupers from this district is totally unknown, and I am confident never was practised.

I have the honor to be, sir, with much respect, your most obedient servant,

ALEXANDER THOMSON.

Hon. LEVI WOODBURY,
*Secretary of the Treasury, &c.*

* Men, women, and children.
† Emigrants from Youghal, men, women, and children.
‡ Men and women.

No. 9.

CONSULATE OF THE UNITED STATES,
*Hamburg, August* 30, 1836.

SIR: I have the honor to acknowledge the receipt of the Treasury circular of the 7th and resolution of the Senate of the 4th ultimo, regarding the deportation of paupers to the United States. I never have had any reason to suppose persons of that description were sent from this city or neighboring towns on the Elbe, and from the inquiries I have made since the receipt of your letter, I feel convinced it has not been the case, and that nearly all the emigrants embarking from the Elbe are farmers and mechanics from the middle and south of Germany.

With great respect, your most obedient servant,

JOHN CUTHBERT.

Hon. LEVI WOODBURY,
*Secretary of the Treasury, &c.*

No. 11.

CONSULATE OF THE UNITED STATES,
*Leith, August* 23, 1836.

SIR: On the 8th instant I was honored by the receipt of your circular dated the 7th ultimo, calling my attention to a resolution adopted by the Senate of the United States on the 4th of July past, and in reply, I have the honor to acquaint you that there are not any paupers transported from this or the neighboring ports, either to the United States or any other country, with the exception of a few children, (six boys and five girls,) sent last year from the charity work-house in Edinburgh to the British settlements in Upper Canada, and they were apprenticed to persons who were ascertained to be of respectable character and in good circumstances.

I have the honor to be, sir, your most obedient servant,

ROBERT GRIEVE.

Hon. LEVI WOODBURY,
*Secretary of the Treasury, Washington.*

No. 12.

CONSULATE OF THE UNITED STATES,
*Liverpool, September* 15, 1836.

SIR: In compliance with your instructions, in accordance with the resolution of the Senate of the United States that you cause to be collected all such facts and information as can be obtained through the custom-house, or from other sources, respecting the deportation of paupers from Great Britain and other places, &c., I have the honor to report to you the result of my investigations as far as relates to this port. I find it has been the practice with many parishes, for some years past, to send abroad such of their superabundant population as would consent to go, and although there has never been a restriction as to the place, they have invariably preferred the United States, and ninety out of a hundred, New York. Regular contracts are made by the different parishes with passenger-brokers at this place to ship them: the extent of this deportation, however, always limited in comparison with the general emigration, has recently been much diminished, in consequence, probably, of the increased demand for labor and the general prosperity of the country. The following facts are obtained from authentic sources and may be relied on. In all instances the emigration is voluntary, and the parish is not relieved by it from its obligation of support should the individual ever return. Convicts are never sent, nor the inmates of work-houses, nor those who, from age or decrepitude, are unable to support themselves. Not one person out of fifty is over fifty years old; they are generally young people who have made improvident marriages, and, without ostensible means of support, with increasing families, are likely to become chargeable to their parish. Reputed poachers are a class of peo-

ple frequently sent from agricultural districts, and out of at least a thousand, of various descriptions, shipped off by one of my informants, he is quite sure not more than twenty have ever returned. Some provision is always made for their immediate support, on landing at their place of destination. From five to ten pounds is paid by the shipping agent to each individual on the vessel's leaving port, besides their passages being paid for, and their provisions found for the voyage.

In the year 1830, the emigration from this port to the United States is estimated at sixteen thousand; out of which about six hundred were sent from different parishes. In 1832 there were about five hundred sent at parish expense; since when, not more than three hundred have gone in a similar way in any one year; and during the last, although the general emigration was greater than at any former period, out of twenty-four or twenty-five thousand there were but about one hundred and fifty paupers.

I have the honor to be, with great respect, your obedient servant,

FRANCIS B. OGDEN.

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

No. 13.

CONSULATE OF THE UNITED STATES,
*District of Kingston-upon-Hull, Leeds, August* 30, 1836.

SIR: I have the honor to acknowledge the receipt of your circular of the 7th July, requesting information as to the deportation of paupers from Great Britain.

I have, in consequence, been making particular inquiries on the subject throughout my consular district. I find that no list, that can be relied on, of passengers sailing from Hull, is kept at the custom-house, wich distinguishes the paupers from those of a better class: regular muster-rolls are kept, but the parties are merely described by their names, ages, and from whence they come and occupation.

The officers of the customs are well aware that paupers do proceed, both to the United States and Canada, and it has been admitted by the owners of several vessels sailing there, that their passages are paid by the overseers of the parishes to which they belong. The mode of doing this varies according to the trust-worthiness of the pauper; if good, he is trusted to make his own bargain, and generally has a trifle of money advanced to him for use when he quits the vessel, to enable him to get up the country. If the man is a bad character, he is generally the best off, as the overseers pay his passage-money and procure for him the necessaries for his voyage. The man then turns restive, and oftentimes refuses to go unless more money is given him, generally £5 or £10 more than was first agreed on. So that the worse the character the better able the pauper is to make his way when he quits the vessel. One shipowner, whose vessel sailed this year to the United States from Hull, and who has had several previously, says he believes that nearly all the passengers go to the back settlements to their friends, who had previously gone there and had written for them; and that it very rarely happened that any family went out on a roving expedition, not having an object. It appears that the greatest emigration from Hull is to Canada, to whence the passage-money is reduced, and many instances have been discovered where the overseers have agreed with the paupers, and paid them the passage-money to the United States, but the paupers have adopted the plan of getting there through Canada, on account of the moderate charge for the passage, by which means they have taken more money with them into the country.

It is the general opinion among the owners of vessels, that during the last two years the number of paupers emigrating to the United States and Canada has very much diminished; very few have gone from this large county, (Yorkshire,) as labor has been easily obtained and wages have improved.

A merchant who had a vessel sailed from the port of Hull this year with several families, in all one hundred and sixty-three persons, states that he does not believe there were more than one family of three persons who were of the class of paupers, the rest were all persons who appeared able to bear their own expenses, and some, although in appearance poor, *were known* to have in their possession considerable property. Another counteracting effect of the emigration of paupers, is the return of several within the last year or two to their parishes, which are bound to receive them, and the knowledge of such proceedings deters other overseers from being so ready to assist as they were some years ago.

Liverpool being the principal port from whence emigration takes place, I beg to enclose you herewith a statement that has been published of the number who have sailed from the 1st of January to the 5th of July last, designating the countries to which they have gone, and the number for the years 1833, '34, and '35.

A society was formed, some time since, for the purpose of sending young females out to New South Wales, but, as will be perceived by the enclosed copy of a resolution passed by them, they now decline recommending any further emigration there, owing to the excessive immorality stated to prevail there.

With great respect, I am, sir, your obedient servant,

ALBERT DAVY,
*Consul U. S. A. Kingston-upon-Hull*

Hon. LEVI WOODBURY,
*Secretary of the Treasury.*

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[Enclosures.]

It appears, from a return which has just been prepared, that, from the 1st of January last to the 5th of July, 24,065 persons have emigrated from Liverpool, 7,518 in the first three months of that period, and 16,547 in the last three months. Of the latter number 3,825 proceeded to the British colonies in North America, 12,414 to the United States, 18 to the Cape of Good Hope, 37 to Calcutta, and 74 to South America. In the year 1835 the total number of emigrants was 16,542; in 1834, 20,836; and in 1833, 15,386; making a grand total of persons who quitted this country in the last three years and a half of 76,139. In the present quarter, ending the 5th of July, we stated above that the number of emigrants was 16,547; in the corresponding quarter of last the number was 8,293, which gives an increase on the present quarter of 8,254.

*The Emigration Committee* recently came to a resolution "that adverting to the information imparted to the committee, both collectively and individually, of the excessive immorality stated to prevail in certain districts of New South Wales, they have formed the opinion that they cannot conscientiously recommend to the Government to encourage the further emigration of single females to Sydney, unprotected by parents or near relatives, however well selected."

No. 14.

COLLECTOR'S OFFICE,
*Philadelphia, November* 2, 1836.

SIR: In conformity with your direction, under date of the 7th July last, in relation to the deportation of paupers from Great Britain and other places, I made immediate application to the Board of Health and Board of Guardians of the Poor of this city, as the only authentic sources of information within my reach. The president of the Board of Guardians informs me that a report is preparing under his instructions, which will be handed in at as early a day as possible, the necessary examinations, as he tells me, hav-

ing rendered it impracticable to complete the return by the 1st instant.

I am, sir, very respectfully, &c.,
J. N. BARKER, *Collector.*

The Hon. Levi Woodbury,
*Secretary of the Treasury.*

No. 15.

Custom-House, Boston,
*September* 27, 1836.

Sir: I received in due course of mail your letter of July 7, enclosing a copy of a resolution adopted by the Senate of the United States respecting the deportation of paupers from Great Britain and other places. There are comparatively few emigrants from Great Britain to this port. The principal emigration is of the Irish population, by the way of Nova Scotia, New Brunswick, and Eastport, in Maine. I have not been able to learn, after diligent inquiry, that any paupers have been sent out here from Europe. In making inquiries on this subject, I received the following statement from Godfrey McCrae, now master of the Rover, of St. Andrew's, N. B. In June, 1835, said McCrae was mate of the British ship Robert Watt, from London to New York, on board of which were many emigrants. McCrae was informed, during the voyage, that about six families of those emigrants were paupers, sent out by and at the expense of their respective parishes. He does not recollect the names of the paupers nor the parishes whence they came.

Respectfully, &c.,
DAVID HENSHAW, *Collector.*

The Hon. Levi Woodbury,
*Secretary of the Treasury.*

No. 16.

Custom-House, Baltimore,
*Collector's Office, Nov.* 23, 1836.

Sir: I can find no letter on our file from the Department of the date of the 7th July, requiring information concerning English paupers deported to the United States. Being, therefore, unaware of your request, we could not write on the subject until the receipt of your letter of 22d instant.

We have no reason whatever to believe that any paupers have been brought from Great Britain to the port of Baltimore; for, in looking over the arrival of passengers for the last two years, we find the whole number so small and so scattered throughout a number of vessels arriving from Great Britain, that it would be unreasonable to consider them other than passengers in the ordinary sense of the term.

I have also received an answer to the note addressed by your suggestion to our municipal authorities, and which states that, after having made the necessary inquiries, they "have every reason to believe that no English or Irish paupers have been brought to the port of Baltimore during the present or past year."

I am, sir, respectfully,
J. H. McCULLOH, *Collector.*

Levi Woodbury, Esq.,
*Secretary of the Treasury.*

No. 17.

Collector's Office,
*Philadelphia, November* 29, 1836.

Sir: I am at length enabled to forward you, enclosed, the report from the Board of Guardians of the Poor, on the deportation of foreign paupers.

I am, sir, very respectfully, &c.,
J. N. BARKER, *Collector.*

Hon. Levi Woodbury,
*Secretary of the Treasury.*

Philadelphia, *November* 28, 1836.

Dear Sir: In compliance with a resolution of the Board of Guardians, I enclose you a copy of the report to them, made by the committee to whom were referred the communications received from you in relation to the deportation of foreign paupers.

Respectfully, your obedient servant,
GEO. W. JONES,
*President of the Board.*

To James N. Barker, Esq,
*Collector of the port of Philadelphia.*

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The committee to whom were referred the communication and documents received from James N. Barker, Esq., collector of the port of Philadelphia, in relation to the deportation of paupers from Great Britain, report:

That, after having caused an examination to be made of the foreign paupers in the house, they have not been able to ascertain that any of them had been sent to this country, or to the British provinces, by overseers of the poor in England, or elsewhere, or had received aid from any parish to enable them to emigrate.

The only information having any relation to the subject of inquiry derived from their examination is, that the practice of sending away persons chargeable to parishes by parochial aid is quite general in England, and that hundreds have been in this way sent. This practice, however, as far as they profess to be informed, is confined to emigration to the British settlements.

Your committee would here remark, that there is great difficulty in procuring from a pauper any information which might affect himself; and, that, should there be in the house any person who had been sent either to this country or to the British settlements by parochial aid, the apprehension that he would be discharged from the house upon the fact being known, would induce him to conceal it.

The reports of the poor-law commissioners of England furnish some information as to the deportation of paupers from that country. In the instructions of these commissioners to their agents in different districts, the attention of those agents is particularly directed to emigration, as one mode of relieving the parishes from their superabundant poor population, and thereby reducing the poor rates. They speak of emigration generally, and do not confine it to the British settlements. So, in some of the reports made by those agents to the commissioners, deportation of paupers by means of parish aid is mentioned as having taken place, without naming the country to which they had been sent. In some reports the British provinces in North America are mentioned as their places of destination; and from one report it appears that four families had been sent by the parish of Rye to New York. These reports comprise but few of the parishes in England and Wales; not more than two hundred parishes out of near fifteen thousand; and, therefore, while they establish the fact that paupers have been sent from England to the United States, as well as to the British settlements, they do not show to what extent this practice has prevailed in that kingdom.

It may be inferred from these reports, that the great majority of persons thus sent by the parishes have been taken to the British settlements. Inasmuch, however, as these persons, when landed, have great difficulty in procuring employment, (a fact which is mentioned in the reports,) and as a large proportion of the inmates of the house who were born in England and Ireland came to this country from the provinces where they first arrived, it is more than probable that, of the persons thus sent to the British settlements by parishes in England, great numbers eventually come into the United States.

The only additional information on this subject has been

obtained from Mr. ——— Brown, a gentleman of this city, who arrived at New York in the ship Sir Edward Hamilton, in August, 1833, having sailed from Hull. He states that, on board of that vessel, came as passengers a family consisting of a man, his wife, and three children, whose passages had been paid for by a parish in the western part of Yorkshire; also, an old man, whose passage had been paid for by the parish of Preston, in Yorkshire; that, on board of the same vessel, were several other persons whose passages, he believed, had been paid for in the same manner, although he did not know it with certainty.

The resolution of the Senate directs the Secretary of the Treasury to collect information as to the provision, if any, made for the future support of the paupers thus deported. On this branch of the inquiry your committee report that, from all the information they have been able to obtain, they are of opinion there is no uniform rule observed as to the provision made for their future support. There is no law regulating the mode in which paupers may be sent. Each parish, in sending out its paupers, makes its own agreements, which it may be presumed are as favorable to itself as the pauper is willing to accept. Therefore, whether the pauper is to receive, upon his landing, any support, and if any, its extent, depends upon his agreement with the parish that sent him. The reports of the poor-law commissioners, already referred to, are silent on this subject. From the examination made of the inmates of the house, the committee have ascertained that one guinea was paid to each of the paupers brought by one vessel to Quebec, upon their landing at that place; that, in some instances, one hundred acres of land in Canada were offered to each of the paupers upon their landing, which offer, by many, if not the greater number of them, was declined; and that, in other instances, as far as your committee are informed, no provision whatever was made for their future support.

Among the paupers in the house, there are several persons who have been pensioners of the Government of Great Britain, and their being in this country is attributable partly to the agency of that Government. Nine of these pensioners were examined, and from their examination it is evident—

1st. That, in the year 1831, and since, the Government of Great Britain invited all persons who had served in its armies and received pensions, to commute their pensions:

2d. That one condition of this commutation was, that the pensioners should proceed to the British settlements in North America, or elsewhere.

3d. That the arrangements for the emigration of the pensioners and their families were generally made by the agents of the Government.

4th. That, in some instances, the pensioners were sent to New York; and that in New York they received from Mr. Buchanan, the British consul, a part of the money for which they had commuted their pensions.

5th. That one person thus sent to New York is now a pauper in this house.

6th. That all pensioners who were willing to commute were permitted; that no difference was made whether the pensioner was old and infirm or strong and healthy; that many of them were aged and infirm, unable to work, and unable to endure the climate of Canada. In one instance the pensioner was totally blind; and that hundreds of them, many of whom have families, have come into the United States.

7th. That of these pensioners, thus sent to the British settlements, there are at this time nine, with the families of some of them, making in all twelve persons in the house.

8th. That, in the year 1833, and ever since, there have been many of these late pensioners with their families in this house. Some of them now in the house say that there are fewer at this period than there have been heretofore.

Accompanying herewith is a statement of the admission of paupers into the house during the year ending the 24th day of November, 1836, together with their places of nativity; from which statement it appears that, of the whole number of admissions, viz. 2,781, there were admitted

| | | |
|---|---|---|
| natives of the British dominions - | - 1,082 | |
| Natives of other foreign countries | - 184 | |
| Total number of foreign paupers | - ——— | 1,266 |
| Total number of American paupers | - | 1,515 |

All which is respectfully submitted.

GEO. W. JONES, *President.*

*Statement of admissions into the Philadelphia Alms-house during the year ending November 24, 1836.*

AMERICANS.

| | Philadelphia. | Pennsylvania. | New Jersey. | New York. | Connecticut. | Rhode Island. | Massachusetts. | New Hampshire. | Vermont. | Maine. | Delaware. | Maryland. | Virginia. | North Carolina. | South Carolina. | Georgia. | Ohio. | D. of Columbia. | Unknown. | Total. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Males | 456 | 172 | 53 | 29 | - | 3 | 11 | 3 | 1 | 1 | 89 | 58 | 15 | 5 | 3 | 2 | 1 | 1 | 26 | 903 |
| Females | 254 | 100 | 54 | 26 | 1 | 4 | 5 | 1 | - | 1 | 88 | 32 | 10 | 4 | - | 2 | - | - | 30 | 612 |

| | |
|---|---|
| Males born in Philadelphia - - - - - - | 456 |
| Do Pennsylvania - - - - - | 172 |
| Do other parts of the Union - - - - | 275 |
| Females born in Philadelphia - - - - - | 258 |
| Do Pennsylvania - - - - - | 100 |
| Do other parts of the Union - - - - | 254 |
| Total - - - | 1,515 |

FOREIGNERS.

| | England. | Ireland. | Scotland. | Wales. | British America. | France. | Germany. | Holland. | Switzerland. | Prussia. | Denmark. | Sweden. | Africa. | West Indies. | Ocean. | Total. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Males | 112 | 604 | 26 | 5 | 9 | 15 | 84 | 7 | 2 | 2 | 2 | 1 | 7 | 14 | 2 | 892 |
| Females | 28 | 280 | 9 | 4 | 5 | 4 | 24 | 3 | 1 | - | - | - | 3 | 10 | 3 | 374 |

| | |
|---|---|
| Of the foreign paupers, there were born in the British dominions | 1,082 |
| Do do other foreign countries | 184 |
| | 1,266 |

No. 18.

CONSULATE OF THE UNITED STATES,
*London, October* 19, 1836.

SIR: I received the circular, dated the 7th July last, which you did me the honor to address to me, calling my attention to a resolution of the Senate, directing the Secretary of the Treasury to lay before that body at its next session, information respecting deportation of paupers from Great Britain and other places, and requesting that I would procure, from authentic sources, such facts relating to the inquiries contained in the resolution as will enable the Treasury Department to comply with the directions of the Senate.

On receipt of the circular, I lost no time in making application to the various sources from which I expected to obtain the desired information. I have now the honor to lay before you such facts in relation to this subject as I have been able to collect, regretting at the same time that so much delay has arisen from the absence, as usual at this period of the year, of many individuals to whom I applied, that I could not possibly transmit the result of my inquiries at an earlier period.

They were directed chiefly to the custom-house, the

ship-brokers of this city, the poor law commissioners, and the agents of this consulate.

At the custom-house it appears that no account is taken of passengers except by British vessels, and then only in case there is an excess above the number limited by law to the tonnage of the ship.

The brokers have no accounts whatever, at least nothing beyond mere memoranda, on which little reliance can be placed.

From the poor-law commissioners I obtained all the facts and information which it was in their power to communicate on this subject. They arise out of their proceedings by virtue of the sixty-second section of the poor-law amendment act, passed the 4th of August, 1834. Acting under that section, the poor-law commissioners have frequently authorized parishes to raise money on the security of their rates, for the purpose of defraying the expenses of the emigration of poor persons having settlements in such parishes; and they have, in such cases, issued orders in accordance with the form which I have the honor to enclose. In this form is a condition that the emigrants shall go to some British colony, and it will be observed that a provision is made that, on the arrival at the place to which the parties are contracted to be conveyed, the sum of two pounds at least shall be paid to each head of a family emigrating, and one pound at least to each single man or single woman not being a part of a family. The commissioners have not felt it to be within their province to make any further provision for the support of emigrants after they shall have arrived at their destination. They have, however, waived the condition "that parties emigrating shall go to some British colony," in a few instances; in most of which the parties desiring to emigrate had already friends in the United States. The total number of emigrants who have thus gone out to the United States, under the provisions of the poor-law amendment act, during the past year, from July, 1835, to July, 1836, is 191 out of 5,141, the remainder of whom have emigrated to British colonial settlements.

The agents of this consulate have furnished me with lists of emigrants from their respective ports, most of whom are supposed to be paupers. These lists are embodied on a paper which I have the honor to enclose. The list of emigrants from Rye, in Sussex, extends as far back as the year 1829. The pauper emigration from that port has been greater than from any other in the district of London. The class of individuals who leave this country by way of the metropolis, is very much improved of late years, having, in general, competent means of their own.

With the view of putting you in possession of all the information which could be possibly obtained on this subject, I have placed on board of the ship St. James, now about sailing, some works which treat on the poor-laws and emigration. They are in a parcel addressed to the care of the collector of New York, who will forward them to you. The works are as follows:

1. Report from select committee on emigration - 1827
2. Farther report on the same subject - - 1827
3. Administration and operation of the poor laws - 1833
4. Report of poor-law commissioners - - 1834
5. First annual report on the poor-law commissioners 1835
6. Report on the disposa of lands in the British colonies - - - - - 1836
7. Poor-law amendment act - - - - 1834
8. Act for regulating the carriage of passengers from the United Kingdom - - - - 1835

The first and second treat at large on the subject of emigration, both to the British colonies and the United States.

The subject of emigration is occasionally introduced in the third, and in the fourth it is briefly adverted to; both these works, however, show that the assistance rendered by parishes to pauper emigrants did not far exceed the expense of passage, there being a trifle to spare on reaching their destination.

In the fifth work will be found, at page 90, the circular of instructions from the poor-law commissioners for facilitating emigration.

In the sixth, the land sales in the United States are often adverted to, with the view of adopting the system there established.

I have the honor to be, with the greatest respect, sir, your most obedient servant,

THOS. ASPINWALL.

Hon. Levi Woodbury,
*Secretary of the Treasury.*

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*Official return of emigrants from the port of Rye, in Sussex, from* 1829, *to May,* 1836, *both inclusive, three-fourths of whom are supposed to be paupers.*

| Date. | Ship. | Master. | Where bound. | No. of passengers. |
|---|---|---|---|---|
| 1829. | | | | |
| March 23 | William - | Samuel Vidler - | N. York | 47 |
| 31 | Fame - - | J Crowhurst - | Do - | 35 |
| April 7 | Emma - - | John Frost - | Do - | 99 |
| May 5 | William Shand | William Boswell - | Do - | 142 |
| 23 | Newton - - | James Melvin - | Quebec - | 25 |
| Dec. 27 | William Shand | William Boswell - | N. York | 90 |
| 1830. | | | | |
| March 10 | Emma - - | John Frost - | Do. - | 88 |
| 10 | Fame - - | J. Crowhurst - | Do. - | 37 |
| 26 | Newton - - | J. Melvin - - | Do - | 102 |
| 27 | Columbia - | J. Delano - - | Do - | 158 |
| April 7 | Robert & Ann - | George Richmond | Do - | 129 |
| 8 | William - | Samuel Vedlar - | Do - | 26 |
| May 7 | Sussex - - | W. Cranstown - | Do - | 92 |
| 24 | Cambria - | J. Moore - - | Do - | 17 |
| June 12 | United States - | J. Knight - - | Do - | 83 |
| July 12 | Rapid - - | H. Shoop - - | Do - | 57 |
| August 10 | Robert Edwards | J. Sherborg - | Do - | 27 |
| Sept. 28 | Corinthian - | R. Shadwick - | Do - | 40 |
| 1831. | | | | |
| March 9 | Hudson - - | Morgan - - | Do - | 18 |
| April 29 | Alfred - - | F. Gravet - - | Do - | 62 |
| 1832. | | | | |
| April 5 | Ami - - | M. Miller - - | Do - | 92 |
| 26 | Newton - - | J. Bell - - | Do - | 96* |
| May 9 | Alfred - - | T. Gravet - - | Do - | 76 |
| 30 | William - | S. Vedlar - | Do - | 15 |
| 1833. | | | | |
| April 4 | Emma - - | John Frost - | Do - | 50 |
| 8 | Newton - - | John Bell - | Do - | 30 |
| June 10 | Ami - - | Matthew Miller - | Do - | 50 |
| 1834. | | | | |
| April 9 | Emma - - | John Frost - | Do - | 80 |
| 1835. | | | | |
| March 31 | Alfred - - | Thomas Gravet - | Do - | 78 |
| 1836. | | | | |
| April 15 | Alfred - - | Thomas Gravet - | Do - | 72 |
| May 25 | Socrates - | R. Metcalf - | Do - | 70 |

* £39 was paid to 26 paupers in the ship Newton.

It could not be ascertained what provision was made for the support of these emigrants from Rye after landing. The sum generally allowed was twenty or thirty shillings for each, according to the agreement they might make with their respective parishes. This was either paid to them on their going on board, or given to the master of the vessel, to be paid them on their landing. The master also received four shillings and sixpence, or one dollar for each, to be paid by him to the proper authorities in New York, as required by law there.

*Emigration of poor persons from Deal, in Kent.*

1830, 1 family, 6 in number, to Western Australia, assisted by the parish with fifteen pounds.
1833, 1 do. 5 in number, to New York, assisted by the parish with twenty-one pounds.
1834, 2 do. 4 in each, to New York, furnished with provisions for the voyage.

*From Holden, in Kent.*

1832, 1 laborer to New York, assisted by the parish with ten pounds, returned within twelve months.

*From Northbourn, in Kent.*

1833, 11 persons to United States, expense to the parish one hundred and seventeen pounds. Three of these persons died in the United States, the others returned home in about two years.

1834, 6 persons to New York, assisted by the parish to the amount of twenty-two pounds.

*From Mongsham, in Kent.*

1830, 2 families, 13 in number, to New York, cost the parish one hundred and eighteen pounds.

*From St. Lawrence, in Kent.*

46 paupers have been sent within the last three years: 36 of whom went in the ships "John Stamp" and "Gratitude," from Ramsgate to New York. The remaining ten went from London, but by what vessel or to what place is unknown. Whether any provision was made for them after landing, cannot be ascertained.

*From Yarmouth, in Norfolk.*

The first deportation of paupers from this port was in 1829. From that year to the end of 1835, the annual average number of vessels with paupers was four. During the year 1836 fourteen vessels have sailed for Quebec with passengers, the average number of whom was about eighty adults in each vessel, a small proportion of whom was landed at Prince Edward's island.

Two-thirds of the whole are supposed to be paupers. The provision made for their support after landing was about twenty shillings for each.

No vessel has sailed from Yarmouth with passengers for any port in the United States.

*To the Churchwardens and Overseers of the parish of ———, in the county of ———: To the Clerk of the Justices of Petty Sessions, held for the division of the said county in which said parish is situate, and to all others whom it may concern:*

Whereas, in pursuance of an act passed in the fourth and fifth years of the reign of his Majesty King William the Fourth, entitled An act for the amendment and better administration of the laws relating to the poor in England and Wales, the rate-payers of the parish of ———, in the county of ———, and owners of property therein, enentitled to vote in the manner provided in the said act, assembled at a meeting duly convened for the purpose, have directed the overseers to borrow the sum of ——— pounds, to be charged on the poor-rates of the said parish, as a fund for defraying the expenses of the emigration of several poor persons having settlements in the said parish, to be repaid by equal annual instalments, with interest not exceeding five per cent. per annum, within ——— years from the time of borrowing the same:

Now we, being the poor-law commissioners for England and Wales, do hereby, in pursuance of the powers and authorities conferred on us by the aforesaid act, confirm the above direction made by the rate-payers and owners of property in the said parish of ——— as aforesaid. And we do hereby further authorize the churchwardens and overseers of the said parish of ——— to borrow the said sum of money in any of the lawful modes heretofore in use, or to make application to the exchequer bill loan commissioners for an advance of the whole of the said sum, or of any such part thereof as may be found necessary. And we do hereby further order and direct that no part of the aforesaid sum of ——— pounds shall be expended unless the following conditions be strictly observed:

1st. The parties emigrating shall go to some British colony.

2d. A contract shall be entered into for conveying them to such place in the way to their destination as the poor-law commissioners for England and Wales, or the agent general for emigration shall approve.

3d. Such contract shall be sanctioned by the agent general for emigration, or by one of the Government emigration agents, at the out-ports, and shall include the maintenance and medical attendance of the emigrants during the passage; and also a provision that, on arrival at the place to which the parties are contracted to be conveyed, the sum of two pounds, at least, shall be paid to each head of a family emigrating, and one pound, at least, to each single man or single woman, not being part of a family.

Given under our hands and seal, this ——— day of ———, in the year one thousand eight hundred and thirty-———.

[L. S.] T. FRANKLAND LEWIS,
J. G. S. LEFEVRE,
GEO. NICHOLLS.

No. 19.

MUNICH, *October* 16, 1836.

SIR: In answer to your favor of the 7th of July, I can give the assurance that the Bavarian Government never made a deportation of paupers to the United States. On the contrary, I know many people emigrated from Bavaria to the United States with no inconsiderable sums of money. I shall not fail to inform you instantly, if any case should happen which has reference to your estimable letter.

I am, very respectfully, your obedient servant,

ROBERT DE KUEDORFFER,
*Consul of United States of America.*

Hon LEVI WOODBURY, *Washington.*

## GEOLOGICAL RECONNOISSANCE.

*Report of a Geological Reconnoissance made in* 1835, *from the seat of Government, by the way of Green Bay and the Wickonsan Territory, to the Coteau de Prairie, an elevated ridge dividing the Missouri from the St. Peter's river. By G. W. Featherstonhaugh, U. S. Geologist.*

WAR DEPARTMENT, *April* 23, 1836.

SIR: In compliance with the resolution of the Senate of the 1st instant, I have the honor, in the absence, from indisposition, of the Secretary of War, to enclose a report of the Topographical Bureau, transmitting the report of the United States Geologist.

Very respectfully, your most obedient servant,

C. A. HARRIS,
*Chief Clerk War Department.*

Hon. M. VAN BUREN, *President of Senate.*

TOPOGRAPHICAL BUREAU,
*Washington, April* 23, 1836.

SIR: I have the honor to submit herewith a copy of the report of G. W. Featherstonhaugh, United States Geologist, called for by a resolution of the Senate of the 1st of April.

I am, very respectfully, sir, your obedient servant,

J. J. ABERT,
*Lieut. Col. Top. Engineers.*

Hon. LEWIS CASS, *Secretary of War.*

WASHINGTON, *April* 22, 1836.

Lieut. Col. J. J. ABERT,
*U. S. Topographical Engineers:*

SIR: In obedience to your instructions, dated July 7, 1835, directing me to proceed to the vicinity of that elevated ridge which separates the Missouri river from the St. Peter's, the chief northwestern tributary of the Mississippi, hitherto designated on the maps by the appellation of Coteau de Prairie, and indicating Green Bay as a point on my route from whence an opportunity would be afforded of examining the mineral structure of the country on the Wiskonsan river, I left this city on the 8th of the same month,

and have now the honor to transmit a report of my proceedings.

Before, however, I enter upon that part of my report immediately connected with my instructions, I desire to explain why I have been induced to extend this document, and lend to it a character perhaps not generally expected of it.

Well acquainted with the strong and general desire expressed for the acquirement of geological knowledge in this country, and aware of the importance which would soon be attached to it if proper measures were taken to awaken the public attention, I thought it my duty, when drawing up my report in 1835, concerning the elevated country between the Missouri and Red rivers, to give a somewhat elementary exposition of the principles of the science, with a view to draw the public attention still more to the subject, and in order to the more successful illustration of the geology of the United States. The geological works which had hitherto been published, contained, with very few exceptions, references illustrative only of the geological structure of foreign countries, and as I had to treat of what is purely a science of observation, I conceived the great mass of minds to which I felt bound to address myself, would probably have been deterred from, rather than attracted to, the subject, had I merely given a technical description of what I had seen, without offering the means of comparative illustration. I therefore adopted, upon that occasion, as I shall do now, that course which promised to be the most extensively useful, confident that, however the task might be imperfectly executed, permanent advantages might be accomplished by it, and that justice would be done to my motives. In this I have not been disappointed: the zeal with which I have attended to my duties has been acknowledged, and I have received, since my return from my late excursion, sufficient evidence of the public approbation of my labors, besides the most gratifying assurances from numerous intelligent members of the present Congress, that the method I had adopted was considered useful, and had been decidedly approved.

But a change had taken place in public opinion since the publication of that report. The authorization of these geological investigations by the General Government, had given great importance to them; much intellect had been at work, and a strong solictitude expressed for an accurate exposition of the general geology of the United States. The most powerful States in the Union were legislating on the subject, and a prospect was thus held out that the general desire for information which the action of the Government had so much contributed to put in motion, would soon receive new vigor from the fostering care of each of the particular States. Looking at this promising aspect of things since my return from my late excursion, I have become more than ever impressed with the propriety of endeavoring to make my labors as useful, in the popular sense, as my opportunities permit.

It is well known that the geological literature of the present day, is not of a sufficiently elementary character for the very great number of persons desirous of possessing a practical guide for their studies, simple and perspicious enough to keep down the repugnance which technical works, applicable to an advanced state of the science, invariably produce. Many powerful minds are deterred from the pursuit of various branches of natural history, from an inability to take the first step successfully, and he who is properly penetrated with this truth, and obeys its influence, will esteem it no degradation to take upon himself the humbler task of elementary instruction for the benefit of the many, even when he may have reason to suppose his intentions will not always be indulgently appreciated by greater chance of doing good, and of the the least liberal of the scientific few. Independent of the greater chance of doing good, and of the pleasure of looking forward to witness the extraordinary elasticity of minds from which the pressure has been gently removed, the very fact of there being no elementary work applicable to American geology, no geological column showing the succession of the beds and a comparative view of the geological equivalents in both hemispheres, together with a brief abstract of the characteristic organic remains contained in the beds, and the other remarkable phenomena illustrative of the structure of the accessible part of the crust of the earth, would be a sufficient motive for any writer whose experience might be thought to authorize the attempt, not only to endeavor thus to be extensively useful, but indirectly to reflect the greatest degree of intelligence upon the observations which it was his duty to make, that they might be understood, by all who read them, in the most comprehensive sense. In short, perceiving the general desire to acquire systematic information on this subject, what I would aim to accomplish is, the putting into the hands of all who wish to cultivate geological knowledge, an elementary work which should not be a dry recapitulation of what was familiarly known before, but a brief and intelligent view of the whole subject, explaining the harmony which prevails in the structure of the earth's surface, and how important a knowledge of its details are in an economical point of view, making the whole, at every step, subservient, as much as possible, to the illustration of American geology. I must think that no individual can acquire information of this kind, without experiencing a corresponding enlargment of mind, that makes him a more useful citizen and a happier man. The plainest farmer may thus be made to understand how a knowledge of geology is useful to agriculture. Very extensive districts consist of a recurrence of decomposed shales, sandstones, and superficial soil produced from primary rocks, and are comparatively barren. In such beds siliceous substances predominate, they having but a small proportion of calcareous matter. A single band of limestone sometimes effects a revolution in the value of an extensive district of this character. We hear soils called light, and heavy, and wet; it is the mineral substance of the geological beds which makes them so. Some families of grain and plants fail upon peculiar soils; this is owing to the presence or absence of particular minerals, for even animals do not thrive where their food is not appropriate. Occasionally a district or given area is too wet for crops that would succeed if the land were drier; a little knowledge of geology would teach the farmer that the springy quality of his land is owing to a bed clay that intercepts the rain, prevents its percolating downwards, and forces it out at its surface. Wherever he finds the clay he will find the same inconvenience, and, knowing the extent of the cause, his ingenuity will soon teach him to remove it by a proper course of drainage. I remember seeing, several years ago, the most barren part of the beach at Long Branch, in New Jersey, suddenly bearing a luxuriant crop of clover. This I learned had been produced by carting the common gravel upon it from the adjacent sea-shore. This gravel, which had a very unpromising appearance to the naked eye, upon being examined with a pocket microscope, was found to contain great quantities of comminuted sea-shells and marine animal matter, constituting it a valuable manure. There are those who object to this manner of considering the subject, that it is an attempt to draw farmers off from pratical operations to considerations of a more theoretical nature, believing that even an elementary acquaintance with chemistry and geology is not fitted for a class, the majority of which is unstudied. But a long and intimate acquaintance with such men, acquired by a residence amongst them, has convinced me that the objection is not well founded. Divest these sciences of the prejudice which attaches to their names, impart their principles (which after all are the principles which govern nature) to men of good sense, in a plain and regular way, consistent with their own habits of thinking and acting, and they will

understand them perfectly well, and put them to the best use. Who can hold a conversation with an intelligent man of this kind, without being affected by his situation, standing upon the threshold of knowledge, whilst to him it is all darkness and confusion? A clear-headed practical farmer may be made, however unlettered, to comprehend enough of these branches to convince him of the unerring truth of the principles which govern his vocation. At every step he takes his condition will become more elevated. Men may ridicule the idea of imbuing the minds of plain farmers with a philosophical turn, yet if it were to be done, it would unquestionably lead to very beneficial results, and the sum of human happiness, in every direction, be thereby greatly increased.

Entertaining these opinions, I have been greatly encouraged to adopt the course I have pursued, by the advice of gentlemen in the present Congress, for whose judgment I have great deference, and who, having experienced the difficulties which are inseparable from the study of scientific works, where the higher branches are alone treated of, and where the technicalities are entirely left unexplained, have suggested the usefulness of appending to my report a glossary or explanation of the common terms used in geology. Believing, therefore, that I have not formed an erroneous estimate of what may be deemed both expedient and useful at the present moment, and having for my sole motive the accomplishment of a general good, I have given a brief account of the existing mineral beds both in Europe and America, as far as regards their general structure and order of succession to each other, adding such observations concerning the nomenclature that has been applied to them, as may serve to soften the difficulties to those who are engaging for the first time with geological literature, and to assist in guiding observers in ascertaining the geological position of the rocks which are the subjects of their investigation. This part of the subject will be found further illustrated by a comparative tabular view of the geological column in both hemispheres.

Perhaps the propriety of the extended form which this report takes, may be safely placed upon other considerations. Those who, like myself, have witnessed the rise and progress of civil engineering in this country, are well acquainted with the causes of that frequent misapplication of means in the construction of some of our earliest and most important internal improvements, and the influence of which only ceased in proportion as experience and study had converted good surveyors into expert engineers. The country having become awakened to the value of its mineral resources, the States are now legislating on this important subject, and the same process will have to be repeated in the coming extension of geological surveys. Men of enthusiasm and energy in the acquisition of information connected with natural history, will have to supply the demand which will soon arise for geological investigations; but many of them will come forward with attainments variously acquired, and with opinions and prejudices that will be discordant with the views entertained by others. Nomenclatures have been offered for the geological strata of this country, which have little or no affinity for those established by the most experienced geologists, and which, if not discouraged, would throw much confusion into the study of the science; for geology is the science of nature, and not of any particular country, and apart from the positive advantages derived from the use of simple terms, universally received, it is one of the blessings of science successfully pursued, and often the only reward of those who devote themselves to it, that, establishing a universal harmony of intellect, it inspires mutual benevolence in minds separated by immense distances, and unites them all in the noble object of advancing the best interests of mankind.

In closing these preliminary observations, I must in justice to myself remark that, from the necessity of the case, the reports which it has hitherto been my duty to draw up could not, however I might have been disposed to comply with the wishes of individuals anxious for minute sections and descriptions of all the particular localities which have come under my notice during my official connexion with the Government, and however desirable, have taken that character. The geological books, it is true, contain great varieties of such sections, and they are eminently valuable; but it is to be remembered that they are the results of labors voluntarily undertaken, limited to particular districts, and accomplished by a leisure independent of all obligations to perform other and indispensable duties. The geological literature we possess, and which is almost exclusively European, has grown out of the brilliant career which this science has had for near thirty years, under the direction of a numerous body of energetic and often wealthy men, assisted by all the facilities of highly-civilized and well-settled countries. The great contrast which the remote parts of this country present in this respect, is sometimes not adverted to. My own opportunities are particularly contrasted with those of the European geologists I have alluded to. The Government conceiving itself authorized to cause these geological reconnoissances to be made only in the territories of the United States, my instructions are made out conformably, and it becomes a matter of duty with me strictly to obey them. The vast extent of the United States makes it occasionally difficult to reach particular points, before the season arrives when it is necessary to turn back to escape the rigor of the winter. Such was the case during my excursion last year. To the haste indispensable to the performance of these distant excursions, may be added other serious inconveniences, amongst which may be enumerated the want of accurate maps, and the wild state of the country on the borders of and beyond the white population, where the acquisition of correct topographical knowledge and the cares of self-preservation become a very absorbing occupation. It is true that expeditions of this character compensate to the geologist the advantages he enjoys in other situations. He passes through various countries, and enjoys rare opportunities of comparing their mineral structure, and of tracing the extensive formations of the western part of this country; but it results from all these circumstances that, being obliged to deal more with general than particular geology, he acquires the habit of considering geology more upon the large than the minute scale. Such is the case with myself; for although I am not altogether debarred the opportunities of availing myself of the details of formations which are new and interesting, and never neglect them, yet I have hitherto, in my reports, thought it more consistent with my instructions generally to suppress for the present those sections which I have made in localities out of the territories of the United States, reserving them for an occasion when I hope ere long to produce them, consistent with what is due to every consideration. In one sense, however, these extensive excursions are highly favorable to an object of great importance to the country, the construction of a general geological map of the United States—an undertaking which will probably require a great deal of time to perfect. I have been able to collect materials for the outline of such a map, which we should not have possessed but for the particular nature of my duties and of the journeys I have made, and to supply many others from observations made in passing through the interior of the country. The exertions now making to produce geological information in various States, will increase the number and value of these materials. A geological map of the whole United States, where all the formations would be exhibited on a large scale, and the most important deposites of fuel, metals, and useful minerals be accurately laid down, would be a monument both useful and honorable to the country at home and abroad, and I trust the day is not distant when Congress will di-

rect such a map to be constructed upon a scale commensurate with the importance of the undertaking. I proceed now to the elementary portion of the report of which I have spoken.

Geology, in its most comprehensive sense, means the study of nature and of all natural objects, whether those recent ones belonging to the present order of nature, or those fossil ones belonging to more remote periods, and which are supposed to have preceded the creation of man, because no vestige of the existence of our race has been hitherto found coeval with them. And as all the forms in nature present themselves to us either in organic or inorganic bodies, meaning bodies which have the faculty of continuing their kinds and those which have not, it results that geology stands in relation with all the physical sciences, and that every geologist ought to have some knowledge of mineralogy, zoology, and botany, since the first comprehends all inorganic bodies, and the last two all organic forms. In a more limited sense, geology comprehends only the study of the mineral structure of rocks, their relative position, and the fossils imbedded in them. Restricted to these branches, this study, however useful it might be, could not rise to the dignity of a science. The origin of mountains and valleys, the changes of the bed of the ocean, the action of rivers, and the nature of volcanoes, together with the highly liberal study of comparative anatomy, might be overlooked in this narrow field of observation, and with them all those lofty philosophical views of the harmony of nature, by the aid of which geology may claim to be considered as opening the avenues to all the branches of natural science.

An individual may be supposed whose mind had never before been awakened to this subject, and contemplating for the first time the varied nature of the surface of the earth, the sublime height of the mountains, the profound valleys, the extensive prairies without hills or vales, the oceans, lakes, and rivers, with the thousand irregular beauties which give so much grace to the face of nature. Yet might this superficial aspect awaken no more enlarged idea than that the earth was a confused mass of rocks, and clays, and sands, assembled without order or design. At the sea-shore, however, where the rocks are often worn down to mural escarpments,* and the beach is usually covered with shingles or rounded pebbles, he could not fail to perceive that these last had been brought into that state by mutual trituration from water, and had thus been divested of the angular form they had when first broken off from the parent mass, where they once were, in the language of geologists, *in situ*, or in place. These would at once remind him of the rounded pebbles of a similar character found on the dry land, almost universally, and often at a great elevation above the level of the sea, in many instances thousands of feet above the marine level. The moment such an individual begins to think of the cause which could have produced this agreement betwixt pebbles found in such dissimilar situations, he enters upon the study of geology. This is one of its first and most important lessons, and the solution to the inquiry will be found to be the key to similar phenomena, in situations still more extraordinary. To trace these rounded pebbles to their native rocks, often hundreds of miles distant from them, they must be compared with other pebbles strewed along the whole distance to the original masses from whence they were detached; and then comes the great question of the cause which gave them the pebble form, and which brought them there. Another important question would now suggest itself to him, whether the whole substance of the crust of the earth is one solid mass of materials resembling those which appear on the surface. Although he had observed no mineral differences in the rocks he had examined, yet, if the territory upon which he trod furnished several strata or beds superimposed upon each other, he might find some indications of those strata either in the mural escarpments on the seacoast, in the valleys and ravines inland which had been worn by the action of rivers, or in the fissures which had been caused by any natural agents. In such situations he would often find the mineral structure of the rocks corresponding on the opposite sides of the valleys and of rivers, in consequence of the strata having been divided, and the same beds presenting themselves on each bank. When fully satisfied that there were various mineral beds lying beneath the arable soil on the surface containing the rolled pebbles, he would be still more anxious to learn the nature of all the beds lying beneath those he had examined. At length, extending his investigations, he would find that the same beds, containing the same kinds of fossil shells, were laid upon each other in the same order of succession at very distant points, and that where he could recognise one bed, it would serve as a key to the probable existence of other associate strata. And thus, by travelling and practical investigation, and by books and the conversation of experienced men, the geological student at length comes to understand that the earth is not a mass of rocks, clays, and sands, accumulated without order and design, but that a portion of the superficial part of the planet, now called the crust, is composed of a series of strata, differing from each other in very material circumstances, yet observing the same order of superposition to each other at the greatest geographical distances, and having, of course, come into that order at successive periods.

Leaving the geological student to the impressions which these appearances will make upon him, the various strata of this series, as they have been observed both in Europe and in the United States, and which comprehend the whole rocky structure of the crust of the earth, as far as it has been examined, will be briefly considered. It is stated in my report of 1835, that the whole of these rocks, considered as a geological column, which, in one sense, as will be hereafter shown, form a true geological column, may be subdivided into two divisions; the inferior, in which, no animal or vegetable fossils have been observed, and therefore deemed to be inorganic, and the superior, which is organic, because in it those fossils abound. This last division is probably, in contradistinction to the lowest rocks of the preceding division, of aqueous origin, being constituted of the ruins of some of the inferior rocks, brought into a comminuted state by the action of water, which, when in a state of repose, subsequently distributed them into levels. Other rocks are the result of quiet depositions from mineral waters, and some may be the result of copious ejections of mud from ancient volcanoes. There is also another class of rocks, to which the term "intrusive rocks" has been well applied. It is familiarly known that modern volcanoes eject rocky matter in a molten state in vast quantities; these streams of lava, when indurated, become rock again, of various degrees of mineral composition, and whose constituent parts have a great affinity to the simple elements of the rocks composing the mass of the inorganic rocks before referred to. In examining the strata of the superior part, we often find them penetrated and disturbed by rocks of this character, bearing the general name of trap. It is inferred from them, and from their appearance, even in the inferior rocks, where also granitic veins are found injected, that, in the earliest stages of the crust of the earth, igneous causes were in action of sufficient force to fuse mineral bodies, and to throw them towards the surface, during which progress they penetrated the beds which lay in their way, as is exemplified in diagram No. 1, of a singular exhibition of trap injected into sandstone, at Totternish, in the Isle of Skye.* It will be ob-

* Perpendicular sections resembling walls.

* McCulloch's Western Islands.

served that the horizontal trap veins represent the handle and triple prongs of a fork, and that if all that part of the section to the left from where the handle is joined to the prongs had been disintegrated and worn away in the lapse of time, leaving the part to the right representing the prongs, or if the same part of the section had been so covered up with other mineral matter as to defy examination, the part exposed would have presented a very puzzling case of horizontal trap veins; but we can here trace the prongs to the handle, and the handle to a huge vertical dike of trap that has its undoubted origin from below.

Before the geological column spoken of is described, a few remarks may be offered on the current nomenclatures which have been applied to its various members. It was necessary in the infancy of the science, to give names to the strata, as they were recognised; these were, of course, either theoretical or local, as a natural and philosophical classification and nomenclature can only be the result of much experience. How many of the modern designations will be eventually retained we know not; but for the present, independent of their own merits, it appears important that we should adhere as closely as circumstances will admit of it, to the arrangements of British geologists. It is acknowledged, even on the continent of Europe, that their great exertions and learning have raised the science to the consequence it now enjoys; and as the most valuable records of geological literature are contained in our common overspreading language, there seems to be every motive for our present deference to British authorities on this subject, and for establishing such harmony of views between the geologists of both hemispheres as will accelerate the period of a permanent classification. For the present all geologists appear to be agreed upon the fact that we have sufficiently advanced in the examination of the structure of various parts of the earth, to perceive that the numerous strata which constitute the accessible part of its crust have come into their places in succession to each other, according to an order which may be said to be invariable, since the exceptions to invariability which occasionally occur can be satisfactorily referred to causes necessary to the constancy of succession of the strata; for the deposition of the sedimentary rocks, or those deposited from water, is referable to the indirect action of those subterranean causes which have either dislocated or broken down the older rocks, from the ruins of which most of them are composed, or have sent to the surface such wide-spread mineral solutions, that we are able to conceive of them only by the extent of their deposites, which could never have been produced by mineral springs upon so contracted a scale as those which exhibit themselves under the present order of things. In other words, the causes which have directly or indirectly produced the deposition of all sedimentary rocks have continued to act at successive periods, sometimes disturbing the older beds, and forming new ones from their ruins, at other times producing new strata from mineral solutions.

Accordingly one of the most interesting problems in geology is to separate those periods from each other, and to ascertain, by the mineral structure of such rocks, by the organic remains imbedded in them, and by the measure of conformability of strata to a horizontal line, the positive affinities and differences between them all. By this process, an estimate may eventually be formed of the exact amount of those affinities and differences in the most distant parts of the earth, and a consentaneous judgment be pronounced upon the nature of those causes, from the universality or locality of their effects, whether they are constitutional to the planet or not.

It is then, only, that a nomenclature founded upon those unerring principles by which nature is constituted, can be established and applied to all the strata and phenomena which have preceded the present order of things, being those which are peculiarly the objects of geological inquiry. It will probably also be found that the judgment which will ultimately be formed will be confirmed by what is passing in the present order of nature, where the sum of affinities and differences is still further extended, and where the partial production of rocky matter, whether of a sedimentary or intrusive nature, is obviously caused by the action of the same universal principles.

In accordance with the intention to treat this subject in an elementary manner, a brief account will be given of the principal strata composing the geological column, as it has been observed in Europe, noticing, at the same time, the American beds, which, from their general agreement and position in the series, have been thought to be equivalents; premising, however, that where a group of beds occurs, the members of which have a strong affinity for each other in mineral structure and organic remains, and which differ materially from the adjacent beds lying above or below, it is sometimes called a formation, and its members are deemed to have been deposited at an epoch peculiar to themselves and separated from any other epoch by a period of time of some duration. If the existing surface of the earth should at any future era be entombed, with the zoological and botanical bodies constituting the present order of nature, by new sedimentary deposites brought there, as the existing ones apparently have been, and a new order of things were to commence consequent to the repose after such an event, having some affinities for the preceding one, yet possessing organic bodies not belonging to it, such sedimentary deposites would, according to the received language in geology, be called a new formation. This hypothetical state of things is thought to have been often repeated in the ancient state of the planet. It is proper also to remark, that, although the members of this column preserve an invariable sucession to each other, yet it frequently happens that, in various parts of the world, many of them are wanting. These deficiencies in the localities, where they are observed, are to be attributed either to the inaction of the causes to which the beds owe their origin, or to other causes, through the agency of which they have disappeared. Sometimes, indeed, the deficiency is only apparent, the strata being so much altered in appearance from the contiguity of intrusive rocks, as to assume another character. Wherever any of the strata are found, however, the order of their succession is constant, like the alphabetic order of letters, B in America being never found above A, whilst A in China, or in any other part of the world, is always found above all the other letters, and never under any of them. The intrusive rocks are of course excluded from this statement. Where A (and the same may be said of any other letter) is found contiguously overlying G, or any other bed, in such instances the intervening beds are deficient, from some of the causes before alluded to.

By such inductive steps are we awakened to a sense of those truths which geology teaches, and come to perceive that the general arrangement of the beds composing the superficial part of the crust of the earth is not incoherent and at random, but has been produced by causes both constant and general; for since, after a mature examination of the European beds, evidences of the same geological epochs are found at the most distant points, it would be infinitely a more strange thing if affinities were not found here, than it can possibly be in the eyes of sceptical persons to find some of the beds in both hemispheres considered as equivalents.

Although this order of succession exists, yet in no part of the world have all these beds been found uninterruptedly overlying each other, as they are represented in the geological column. This perpendicular section only represents all the beds which have been described as coming into their places in succession to each other. If, however, all these deposites had been made in the same locality, and had not

been subsequently disturbed, such a section might have existed in nature. But, as has been before observed, some of them are wanting in every country. In the tabular view following, the strata, for the sake of convenient reference, are grouped. The beds, from the variegated or red marl to the Portland oolite, both inclusive, comprenend what English geologists have named the oolitic series; this group has an average thickness of 2,700 feet in England, but has not yet been found on any part of this continent. Chalk, also, which has an average thickness of about 700 feet in Europe, is not found here, although many associate strata belonging to the group it is a member of, and lying both above and below it, are well developed in the United States. This remarkable deposite in the countries where it exists, contains in the upper part of its white mass numerous irregular beds of nodules and plates of the dark-colored flint of commerce. Haldon Hill, in Devonshire, consists of green sands superimposed upon red marl, the intervening beds being wanting. But the chalk which lies upon the green sands in the tabular view is not there, and an unobserving traveller would cross this lofty barrier without being reminded of it. A geologist, however, is struck with the immense heaps of flints deposited in various parts of this hill, some in entire nodules, exactly as they are found in the chalk, and others broken up and comminuted into a thousand pieces. Looking around him, he sees at the foot of the hill a rich and broad valley with the river Ex flowing through it to the ocean, which is visible on his right. At some distance in front he sees the white chalk cliffs of Dorsetshire. He now comprehends the phenomenon, sees that the chalk has once been in position where he now finds only the flints, and that some cause has put an immeasurable water power in motion, which has scooped out the vale of Ex, and washed out all the cretaceous matter for many miles, leaving the flints behind as monuments of the deposite in which they were imbedded, and of the irresistible force of the movement which separated them. This has been found repeated in other parts of Europe. On this continent no chalk flints have yet been found, nor any other evidences that the chalk has been removed, and the same observation may be applied to the oolitic series, wanting here, since its characteristic fossils have not been found.

Of the absence of other beds of the geological series, we have remarkable instances on this continent. On the geological line extending from the State of Maine continuously, in the direction of Boston, New York, Philadelphia, Baltimore, Washington, and the falls of all the Atlantic rivers, to Wetumpka, on the Coosa river, in Alabama, there are no beds between the primary rocks at the bottom of the series, and the loose detritus and alluvial deposites on the surface, but very important members of the upper secondary and tertiary groups are found east of that line, from whence it may be inferred that they were deposited when the ocean was bounded by that geological line. Of the causes of this deficiency of strata upon so long a line, whether it is to be attributed to the early elevation of the primary rocks above the marine level, or to causes which have removed other strata, geologists may divide in opinion; but the absence of all evidence of a disturbing force commensurate with such extended effects, strengthens the first conjecture, which recommends itself, by the simplicity of its fitness, in accounting for the phenomenon.

The following tabular view of the principal known rocks exhibits such a section as might have existed in nature if all the beds had been deposited in one locality, and had never been disturbed. It also presents, as geologists will perceive, for the first time in any tabular view, the new arrangements of that important portion of the column hitherto designated as grauwacke and transition formations, by those distinguished leaders of the science, Mr. Murchison and the Rev. Adam Sedgwick.

TABULAR VIEW OF THE FORMATIONS.

| | | | Feet. |
|---|---|---|---|
| SUPERIOR OR ORGANIC DIVISION. | Superficial soil or present order of nature. | | |
| | Tertiary order. | Upper tertiary or pliocene. | |
| | | Middle tertiary or miocene. | |
| | | Lower tertiary or eocene. | |
| | Cretaceous group: deficient in the United States. | Upper chalk, with flints. | 700 |
| | | Lower chalk. | |
| | | Chalk marl. | |
| | Subcretaceous group. | Upper green sand. | 100 |
| | | Gault. | 150 |
| | | Lower green sand. | 250 |
| | Wealden group: deficient in the United States. | Weald clay. | 300 |
| | | Hastings sand. | 400 |
| | | Purbeck limestone. | 250 |
| | Oolitic series, deficient in the U. States. | Portland oolite. | 120 |
| | | Kimmeridge clay. | 500 |
| | | Coral rag. | 150 |
| | | Oxford clay. | 600 |
| | | Cornbrash. | 30 |
| | | Forest Marble. | 50 |
| | | Bradford clay. | 50 |
| | | Great or Bath oolite. | 130 |
| | | Fuller's earth. | 140 |
| | | Inferior oolite. | 180 |
| | | Lias. | 500 |
| | New red sandstone group: deficiency not positively ascertained. | Variegated or red marl. | 500 |
| | | Muschelkalk. | 300 |
| | | New red sandstone. | 300 |
| | | Zechstein. | 500 |
| | | Exeter red conglomerate. | 500 |
| | Carboniferous group. | Bituminous coal measures. | 1,000 |
| | | Millstone grit and shale. | 700 |
| | | Carboniferous limestone. | 850 |
| | Old red sandstone. | | 10,000 |
| | Silurian system. | Ludlow rocks. | 2,000 |
| | | Wenlock limestone and shale. | 1,800 |
| | | Caradoc beds. | 2,500 |
| | | Llandeilo flags. | 1,200 |
| | Cambrian system. | Upper Cambrian. | 9,500 |
| | | Middle Cambrian. | |
| | | Lower Cambrian. | |
| INFERIOR OR INORGANIC DIVISION. | | Serpentine. | |
| | | Greenstone rocks. | |
| | | Talcose slates. | |
| | | Hornblende rocks. | |
| | | Primordial limestone. | |
| | | Mica slate. | |
| | | Gneiss. | |
| | | Granite. | |

N. B. The figures represent the average approximate thickness of some of the beds.

It having been already stated that the rocks belonging to the superior division of this column are constituted principally of the ruins of those of the inferior division, brought into a comminuted state by the action of water, and subsequently deposited into levels, the obvious propriety of considering the column in the ascending order will be perceived. Every practical student will also see the necessity of having some knowledge of the mineral structure of the older rocks, before he can form a judicious opinion of the mineral origin of the more modern ones. The great number of the formations of the inorganic division are put down approximatively as to their order of succession. Some of them, as the granite, are unstratified, whilst the gneiss and some others are stratified. Although all of them are not of igneous origin, yet most of them in their turn seemed to have acted in the character of intrusive rocks. In some countries we have evidence of trappean matter having been ejected from beneath the granite. Whilst, however, they are not found in all countries in the order assigned to them in this column, yet they have been found every where approximating to it. In the early days of geology, when theoretical terms had more influence than at present, they were called primitive, because it was supposed they had been produced before all other rocks.

The term primary has since been substituted, as expressing their antecedent state in the column, without any theoretical assertion. Geologists, on account of the extreme interest attending the study of the fossiliferous rocks, have paid such undivided attention to them, that the most ancient formations have been comparatively neglected, and an ample field has thus been left for the arrangement of this mineralogical branch of geology, where the rarer minerals and crystals may assist in pointing out, as fossils have hitherto done, the natural classification of these primordial rocks. We are encouraged to believe that this will not be deferred a long time, when we look to the splendid results of the Silurian system which have been wrought out of the grauwackean chaos during the last four years, by the perseverance and sound judgment of Mr. Murchison.

Before entering upon any description of these inferior rocks, some observations may be introduced here, upon the two general classes into which all deposites may be arranged—those of chemical and those of mechanical origin. Although the object of the geologist is rather to arrive at just conclusions respecting the causes to which mineral beds owe their position, than to the elementary nature of the materials of which they are composed, yet some mineralogical acquaintance with their mineral constituents is requisite to discriminate between them, and every student is supposed to have prepared himself, in some degree, to comprehend the chemical laws under the influence of which mineralogical bodies take their peculiar forms. Crystalline bodies, however imperfect, are the result of chemical agencies; and where a rock is composed of regular crystals of one mineral, imbedded in a massive paste of imperfectly crystallized mineral matter of another kind, we may come safely to the conclusion that the whole mass has had a crystalline origin. There is a porphyritic granite of this kind, called Shapfell granite, in England, which is met with in various parts of the world. It is the rock upon which the coal measures of Chesterfield, Virginia, rest, and I have observed it on the eastern slope of the Blue ridge, in Madison county, in that State, and in various parts of Georgia. This rock has evidently never been disturbed as to its aggregation since its first chemical production. The other class of rocks is of a different character. When observed by the microscope, the aggregate parts appear to consist of small fragments of crystalline minerals, having been subjected to much attrition by water, in consequence of which they have lost their sharp edges, and have become rounded. Deposites of this kind, the constituents of which have been mechanically separated from crystalline bodies, are easily recognised for the greater part. They have all been evidently deposited from water, and are classed amongst the sedimentary rocks, in contradistinction to the others, which are deemed to be igneous. There are a few rocks which have an ambiguous character: those limestones which have been deposited from solutions take a crystalline aspect, and many strata proximate to igneous rocks have been subjected to some change in their external appearance, but the exceptions will not interfere with this classification.

The common *granite* is easily recognised by its granular crystalline structure, composed of felspar, quartz, and mica, nearly eaqually diffused and united into a mass without any apparent cement. The varieties are numerous, occasioned by the varying proportions of its constituent parts, and the substitution of other minerals for some of them. Amongst the most remarkable are those known as graphic granite, a beautiful mineral composed almost entirely of lamellar felspar and quartz, so disposed as to present an appearance of literal characters. This variety contains beryls, garnets, and other minerals, and, where it is found in extensive deposites, as in the State of Delaware, about ten miles from Wilmington, is valuable for the manufacture of porcelain. Another variety is the porphyritic granite before mentioned, where large rhomboidal crystals of red and white felspar are imbedded in a paste of small-grained granite.

The gneiss is generally a stratified rock, often abounding so much in mica as to constitute its base. The plates of this last mineral are distributed parallel to its strata, which occasion it to split easily in that direction. Granite often passes into this rock, the quartz being absent. There is a singular rock on the prairie at the Grand Portage east of *Lac qui parle*, on the St Peter's. Immense masses, some of them twenty feet high, abound there, with a laminated structure so perfect as to form a true stratification. The lamina are in many instances only an inch in breadth, and dip to the southeast with an almost vertical inclination. It is a red granular rock, containing little or no mica, resembling granite in every particular except its stratification. Gneiss is a very abundant rock in the Atlantic portion of the United States. It is extensively quarried in the vicinity of New York and Philadelphia for architectural purposes, whilst on the hills above Georgetown, in the District of Columbia, it is in a decomposed state; the felspar having lost its cohesion, and the mica being very much broken down. The ferruginous matter belonging to this rock has accumulated by molecular attraction showing itself in intersecting carbonaceous-looking streaks and seams where the roads have been cut through the hills, but being more generally diffused as a red oxyde. These numerous ferruginous partings, which cause the gneiss to separate into irregular masses with bright black faces, are not found in that part of the gneiss which is undecomposed in the same vicinity along Rock creek.

The characteristic rock of the mica slate formation contains little or no felspar, and has a slaty structure, with a glittering appearance. Its fissility enables its to be conveniently used for flags on the sideways of streets. It is found in the vicinity of all the gneiss districts.

Primordial limestone is found in this part of the series, but is not constant to it. In some instances it has been called saccharine limestone, from its white granular resemblance to loaf sugar. It is the material used for statuary marbles, the most valuable beds of which, those that are unmixed with siliceous particles, are very rare. Immense blocks, weighing several tons, have been sometimes transported from Italy to England for the purpose of making a single statue, which, on account of the nests of siliceous matter found in them, have proved almost valueless when worked into. No extensive deposites of it of a good quality have yet been found in the United States. There are many varieties of this saccharine limestone, however, here. It sometimes contains mica, and is subordinate to the statuary marble: this is the variety called cipolino. In Connecticut extensive veined beds occur, traversed by serpentine. In Maryland, several varieties occur, and amongst others a paste of fine saccharine limestone, imbedding crystals of hornblende, resembling that mentioned by Mr. McCulloch* in the Isle of Tirey, Hebrides.

Hornblende rock abounds in this country on the Atlantic frontier, sometimes dark and compact, with a granular texture, at other time greenish, with a fibrous structure, and disposed to fissility; it is sometimes micaceous, and near Wilmington, at Quarryville, on the Delaware, a locality which has supplied the greater part of the materials for the Delaware breakwater, there is a beautiful resplendent variety of ovate lameller crystals of felspar, having a slightish red color, with a hornblende base, which fuses into a fine dark enamel. This is a true porphyritic greenstone.

*The talcose slates* have a base of talc, with mica and crystals of sulpheret of iron diffused in them; they are easily recognisable by their unctuous touch and glossy appear-

* McCulloch's Western Islands, vol. 1, p. 50.

ance. In the United States these slates are largely developed in what is called the gold region, especially in Virginia, the gold being in the ferruginous quartzose veins which traverse this formation.

The Germans have called all combinations of *hornblende* and *felspar*, when they have a granite structure, *grünstein* or *greenstone rocks*, and accordingly, as they are compact or fissile in their structure, they have been designated as primitive greenstone or greenstone slate. Hornblende is heavier than quartz or felspar, and, when scratched, gives a light green streak, and where it forms the principal part of rocks, they take a greenish black color. In hornblende slates the felspar itself is often green. When the quantity of magnesia is increased in the hornblende rocks, they appear to pass insensibly into *serpentine*, a rock which abounds in this country in the region of the primodial rocks.

The geological student, in entering the field of observation in the United States, will find that the varieties of all the formations which have been alluded to are very numerous, and that they occasionally succeed each other in so irregular a manner as to preclude the supposition that they have come into their places in any determinate order of succession. Regarding them theoretically as the products of igneous fusion, the embarrassment is increased by perceiving some of them to be unstratified, and others stratified. That the first may have resulted from the cooling down of mineral matter when in a state of igneous intumescence, is intelligible enough; but that contiguous rocks, having the same origin, and which form perhaps the greater portion of the surface, should be disposed in parallel strata, is not so easily explained. Yet, if any one should be disposed to attribute to them the same aqueous origin to which the sedimentary stratified rocks are referred, he must remember not only that the mineral constituents of those unstratified and stratified masses are the same, but that most of them actually pass into each other by the absence or presence of one or more of their mineral constituents. What has been called the stratification of these ignigenous rocks, may be owing to the principle which occasions their fissility, such as the distribution of the plates of mica parallel to the strata. It is evident, however, that the nature of the primordial rocks has yet to be carefully studied before we can, with perfect satisfaction, believe this difference between them to be due to modifying causes, and refer these two classes of rocks to the same origin.

Much of the irregularity with which they succeed to each other is owing in some cases to the same mineral compound being repeated in distant localities, and in others to slight variations of that compound. Most of these ignigenous masses appear in the character of intrusive bodies. Granite, the lowest rock in the series, is found in a modified form overlying fossiliferous strata in the Alps. Serpentine, which is but a modification of hornblende matter, overlies sedimentary limestone in extensive tracts of the Appenines, and trap rocks, of which modern lavas are but modifications, are found injected into almost every formation, from the granite up to the surface; indeed, in the extinct volcanoes of Auvergne, the ancient lavas have been clearly projected from beneath the granite.

There is another important rock, clay slate, not inserted in the tabular view, which is thought to pass gradually into some of the schistose primordial masses with which it is associated; yet it is a stratified body, and in its mineral structure is sometimes hardly distinguishable from the roofing slates, which are enumerated amongst the sedimentary deposites of what have been called the transition beds.

These observations on the formations of the inferior division are offered not only for the assistance of the geological student, but in some degree to incite the able mineralogists of this country who reside in the regions of the primordial rocks, to make a precise and analytic study of their mineral structure and constituent affinity with each other, and to note all the circumstances attending the order in which they are seen to succeed and overlie each other. Repeated observations made in various parts of the Atlantic frontier, will produce a great deal of valuable information. By such means alone, we shall be able to compare the natural order and constituency of the primordial rocks of the United States with those which prevail in distant countries; and thus, in time, a unity of intellect may be directed to the development of the most ancient parts of the structure of the accessible portions of the earth, and of some principles connected with the mineral and metallic bodies, that cannot fail to be valuable in an economical point of view.

We now approach a system of rocks usually found overlying the inferior division, and where organic remains are for the first time found in the ascending series. Perhaps the formation alluded to as clay slate belongs properly to this system, the general mineral structure of which is altogether slaty. The whole of this series of rocks (a luminous account of which will soon be published by the Rev. Adam Sedgwick, under the designation of the Cambrian system, from the locality where he has principally studied them) has been hitherto included, together with the Silurian system of Mr. Murchison, under the undefined names of transition and grauwacke, terms which are now likely to be entirely abandoned. Before this portion of the geological column had been adequately investigated, the theoretical term transition was generally received. It was supposed that at the point where organic remains first appeared, there existed a true natural mineral transition from inorganic to organic rocks; and if that point were established, the term would not be misapplied to those slaty masses. But the affinity of the mineral structure of some of these rocks with that of others higher up in the series caused the term to be extended so far beyond its original meaning and application, as to comprehend deposites of from thirty to forty thousand feet in thickness; and although this great slaty system was separated from the carboniferous limestone by the old red sandstone formation, itself having a thickness of ten thousand feet and more in many localities, yet some geologists included all these formations, together with the carboniferous limestone, containing a distinct class of organic remains, in the transition rocks. Henceforward, it is probable that the term will fall into disuse, in proportion as the nomenclatures applied to the Cambrian and Silurian systems shall become generally known, they having already received the sanction of the leading European geologists.

The *lower Cambrian* of the tabular view, as it has been observed in Caernarvonshire, consists principally of chlorite schists, passing occasionally into micaceous and quartzose slates, and contains subordinate masses of white granular limestone and serpentine rock. In other localities, masses of dark glossy clay slate, devoid of calcareous matter, are found, and passing into the inferior primordial rocks. This lower Cambrian formation appears to contain no organic remains, but lead and copper are found in it.

The *middle Cambrian* of Caernarvon and Merionethshires contains great quantities of fine roofing slate, often imbedded in slate rocks of a coarser quality; these alternate with and apparently pass into irregularly interstratified masses of porphyry. At the top of Snowdon a few organic remains are found, resembling others observed at Tintagel, in Cornwall. Some of these slates are highly calcareous, but no continuous beds of limestone have been observed amongst them.

The *upper Cambrian*, as observed in South Wales, is connected with the superincumbent formation of *Llandeilo flags*. Beds of limestone and calcareous slates occur, together with organic remains. The roofing slate of this division splits in a direction transverse to the stratification, which

is a property perhaps of all hard slates. The cleavage of this mineral is considered to be the effect of crystallization.

The *Llandeilo flags.* The Silurian system, of which this is the lowest division, abounds much more in calcareous matter than the rocks just enumerated, and organic remains are more common. These Llandeilo flags rest upon the Longmynd various colored sandstones, conglomerates, schists, and coarse slates, and are dark-colored calcareous rocks, naturally separating into flags. They contain, also, some sandstone and schists. The asaphus buchii, the agnostus, brongn, and some other trilobites, differing from those of the superior divisions, which will be described in Mr. Murchison's work on the Silurian system, now in the press, are found here.

The *Caradoc beds.** The beds of this division consist, in the lower part, of thick-bedded red, purple, green, and white freestones, conglomeritic quartzose grits, and sandy and gritty limestones. Various undescribed species of trilobites, and differing from those in the overlying beds; numerous species of the genus orthis, together with nucula and pentamerus, are found here. The upper beds are thin-bedded impure shelly limestone, and finely-laminated, slightly-micaceous, greenish sandstone. The organic remains are pentamerus, leptæna, pileopsis, and orthis, all of new species. There are also terebratula; and the tentaculites and crinoidea are abundant; corals rare.

*Wenlock limestone and shale.* The lower beds are liver and dark gray colored argillaceous shale, rarely micaceous, with nodules of earthly limestone. The organic remains are asaphus caud, calymene Blumenbachii, lingula, or this cyrtia, delthyris, orthocera, crinoidea; most of them new species.

The upper beds are that highly concretionary gray and blue subcrystalline limestone, the equivalent of the well-known Dudley limestone; abounding with corals and crinoidea, bellerophon, euomphalus, conularia, pentamerus, natica, leptæna, spiriffer, terebratula, producta, orthocera, asaphus, calymene, and various species of trilobites.

*Ludlow rocks.* The lower beds of this formation are sandy, liver and dark colored shale and flags, with concretions of earthy limestone. The several species of fossils are phragmocerus a new genus, asaphus, two species of cardiola, (a new genus,) nautilus, spirulites, pentamerus, pleurotomaria, orthocera, &c.; most of them new species.

These beds are separated from the upper ones by a subchristalline gray and blue argillaceous limestone, containing pentamerus, pileopsis, bellerophon, lingula, atrypa, terebratula, calamopora, and some other fossil corals. The upper beds are a slightly-micaceous, gray-colored, thin-bedded sandstone, containing avicula, atrypa, cypricardia, homonolotus, (a new genus,) leptæna, orthis, orbicula, orthocera, pleurotomaria, turbo, with gigantic serpentine bodies, &c.†

It sometimes occurs that the zones of limestone which separate the Wenlock and Ludlow divisions thin out and disappear: in such cases, the characteristic division being lost, Mr. Murchison calls the united mass "the upper Silurian rocks;" and where the same characteristic division between the Llandeilo and Caradoc beds disappears, the united mass is termed the "lower Silurian rocks."

* Mr. Murchison, in conformity with the practice of attaching the names of remarkable localities to their rocks when first described, has here very happily associated some of the most interesting traits of British Celtic history with his geological labors. The rocks comprehended in his Silurian system were observed by him in that part of the country which constituted the ancient kingdom of the Silures, that Celtic nation which so bravely resisted the Romans under the Emperors Claudius and Nero. *Caer Caradoc*, from whence the Caradoc beds are named, is the name of a highly picturesque ridge in Shropshire. Camden, the historian, supposes it to have been the locality where the celebrated leader of the Silures, Caractacus, (Caradoc,) made his last stand against the Roman forces.

† Mr. Murchison's fossils of the Silurian System, when published, will add weight to the opinion expressed in my report of 1835, of the "great uniformity of the genera in the inferior rocks of both hemispheres." He has compared some of the fossils of this country with those of his Silurian system, and says, in a late letter, "*many of your organic remains are specifically identical.*"

It will be perceived that the formations which have been briefly described comprehend all the deposites lying between the old red sandstone and the primordial rocks, and that some of them must necessarily be the equivalents of those grauwacke rocks which, in all the hitherto published geological treatises, figure so conspicuously, but in a very undefined manner, as immediately subjacent to the old red sandstone, which last, notwithstanding its vast bulk, has been considered by an experienced and popular geological writer* as a true grauwacke also. The same objections which apply to the term transition, apply to the term grauwacke. The different formations of the Silurian and Cambrian systems are distinguished by fossil remains peculiar to each of them, and nothing would more retard the progress of scientific perspicuity, than to retain an inharmonious term which is hardly definable, merely because certain rocks having an affinity in mineral structure are found repeated in various parts of them. The term grauwacke seems originaly to have been used by the miners as a provincial word to express the character of those conglomeritic beds formed of gravelly fragments of various sizes of the older rocks, imbedded in a paste of slaty matter, which are even occasionally found in the coal measures, and which abound sufficiently in the formations subjacent to the carboniferous limestone, to justify the belief that an immense period of time must have elapsed between the first appearance of these conglomeritic beds and the deposite of the carboniferous limestone. We can no longer, however, with any propriety, retain this term for the beds immediately subjacent to the old red sandstone, since Mr. Murchison shows that his Silurian system, in which those beds are comprehended, contains few if any of those beds which were first named grauwacke by the German mineralogists.

This term, if at all continued, will probably be restricted hereafter to some of the beds of the Cambrian system.

*Old red sandstone.* Mr. Murchison proposes to divide this formation into three parts: the lowest consists of flaggy, highly-micaceous, hard, red and green sandstone, with some new species of avicula, pileopsis, some small othocera and ichthyodorulites. The central portion is formed of red and green concretionary limestones, with spotted argillaceous marls and beds of sandstone, containing undescribed genera of crustacea. The superior portion is an inorganic quartzose conglomerate, overlying thick-bedded sandstone.

As the formations hitherto considered have a character belonging to them which is not common to the incumbent beds, especially on this continent, a few remarks here on the highly-inclined strata of the stratified masses serving to develop some important principles of the science, cannot but be useful to the practical student.

In every part of the world where geological investigations have been made, the rocks hitherto enumerated have generally been found, and always in the same determinate order, with the exception of that occasional irregularity before alluded to amongst the ignigenous rocks. They occupy, also, more extensive areas than the rocks which have succeeded to them, from which it may be inferred that the causes which produced them were more intensely in action. Granite is every where. The body of the great Himalaya chain in India is gneiss; it abounds also in the most northern known lands, in the Andes, the Alps, and the Pyrenees. In Western Africa the rocks forming the banks of the Rokelle are granite, gneiss, mica slate, and the lower slates. Upon the northern Atlantic frontier of the United States, the whole series of these last-mentioned rocks can be traced, alternating variously with each other, uninterruptedly to the western lines of Massachusetts and Connecticut, with the exception of the carboniferous sandstone along the line of the Connecticut river.

* Bakewell.

Further south, the same zone of primordial rocks is to be observed from the falls of the rivers that empty into the Atlantic, to the extensive Atlantic* primary chain, embracing those auriferous slates and other rocks known as the gold region of the United States.

Wherever the geological student finds the strata thrown out of the horizontal line, and dipping in any direction, he may, with few exceptions, enumerate such beds amongst the formations hitherto described, the old red sandstone inclusive. Few of the rocks of the United States lying above them in the geological column, are found with the planes of their strata making any sensible angle with the horizon; and as all stratified masses must be supposed to have been deposited with their planes horizontal, we are necessarily compelled to inquire why the beds of the lower portion of the column dip at very acute angles, and are frequently found vertical, when the others are horizontal. The inference is obvious that some disturbing cause operating from below has thus tilted these beds up, and that it prevailed with greater intensity and constancy during the earlier geological periods than it has done since the deposition of the old red sandstone. This striking difference in the position of the planes of mineral beds belongs to a class of geological phenomena so various and important, that it is proper in this place to mention some of them, that the student, from perceiving how cognate they are to each other, may form his judgment as to the reasonableness of the cause to which their common origin has been attributed. It will also afford an opportunity of alluding to some complicated cases under which rocks sometimes present themselves, and which, being deceptive, require accurate observation.

In diagram No. 2, the transverse lines making an angle of 45 degrees with the horizon, represent the beds formerly deposited in a horizontal plane, tilted up. Such rocks are said to dip 45 degrees, and this slope of their planes often increases until they are set completely upon their edges, and become vertical or perpendicular. But at whatever degree they may dip, the uppermost edges of the beds thus tilted up always have the same *strike* or *direction*. When they dip to the east, their edges of course run north and south. This phenomenon is a source of constant annoyance to those who travel on wheels in the Shenandoah valley of Virginia, where the roads, running nearly east and west, cross the edges of the upheaved limestone beds at right angles. It will not escape the reader that in countries where the dip, as frequently occurs, is constant through a great area of country, the *strike* of the beds, being known, may be useful to travellers in doubtful cases, and in the dark, in pursuing their course.

Amongst the instances where a student is apt to be deceived by the appearance of stratified beds, if observed at a distance, or whilst rapidly passing them, is that of his being led to suppose he is among the secondary beds, whilst in fact they are highly inclined. He may be passing an escarpment from the north, where the stratification, as in diagram No. 3, appears to be horizontal, whilst in truth it may be highly inclined: therefore, if, whilst in a region where the beds have a constant dip, he should unexpectedly come to a section of them where they appear to be horizontal, it is always best to stop and examine with some care, as, at some turn of the line, or perhaps by partially uncovering them, he may discover that the strata have a considerable dip, as is exhibited in the diagram.*

The valley of the Potomac exhibits a great number of instructive phenomena connected with the dip of rocks, which furnish examples, upon a very large scale, of the

* At the top of Cacapon mountain, about three miles from Bath, in Morgan county, Virginia, there is a remarkable locality called "Prospect Rock." From the summit of this escarpment there is a very extensive view of the course of the Potomac river across the inclined beds of the country from the great Alleghany mountain, where the bituminous coal measures begin. On descending to the foot of this cliff, and standing in front of the escarpment, the beds appear horizontal; but at the pass which leads down from the top, they are seen to be tilted up about 18 degrees.

* In my report of last year, at page 33, the necessity of giving a general name to this chain was urged, on account of the confusion produced by the various designations it receives in different localities, such as Blue ridge, Allegany mountain, Iron mountain, Unaka, &c.; and Atlantic Primary Chain was proposed as expressing its general and predominant character. The mineral structure of this chain has never been thoroughly examined, but, at numerous points where I have visited it, it varies from the primordial rocks to some of the members of the Silurian system. At West Point, where it is divided by the Hudson river, the predominant character is gneiss; at Harper's Ferry, it is a variety of stratified slates; in Madison county, Virginia, it consists of the members of the lower Cambrian rocks, very much studded with points of native copper, with a belt of porphyritic granite running at its eastern base. In other parts of this chain I have observed quartzose sandstones and conglomerates prevailing, of undoubted aqueous origin; whilst, in some districts, slates of a green quartzose character contain, imbedded and mixed up and alternating with them, true porphyritic masses. This admixture of rocks, to which different origins are attributed, appeared to me to justify a designation for this chain which expressed, in some degree, its predominant mineral character. The only proper use which those who write on this subject, at present, can make of theoretical terms, is to give the greatest degree of perspicuity to what they say. The terms *primary* and *primordial* are, undoubtedly, always very properly applied to the lower rocks, to which an igneous origin has been attributed; but may fairly be extended to any series of rocks constituting a great geographical boundary, to which they give a predominating character, especially at a period when the term Transition is passing into disuse, and leaves the term Primary freed from theoretical views, to class all the rocks in below the secondary order. I have felt myself authorized to do this by the example of one of the most distinguished men of this age. Professor Sedgwick, of Cambridge, England, in his "Introduction to the general structure of the Cambrian mountains," (Transaction of the Geological Society of London, vol. 4, part I, page 66,) observes: "I believe, however, that there is a broad mineralogical distinction between the *primary stratified rocks* (including under that term all stratified rocks inferior to the old red sandstone) and the secondary." Professor Phillips, also, the able and experienced Professor of Geology in King's College, London, has in his Guide to Geology, page 19, classed all the rocks beneath the old red sandstone as "Primary strata," adding, "It is asual to class the upper systems under the title of Transition strata, and to confine the name of Primary to the mica, schist, and gneiss systems." And, at page 72, he says: "Thus, for example, of the extinct crustaceous animals, called Trilobites, the far greater portion of those found in England belongs to the *primary strata*. They also characterize the *primary system* of North America." In fact, he generally speaks of the beds beneath the carboniferous group as the "fossiliferous primary strata," and, at page 124, distinctly includes all the beds of whatever kind, constituting what, on account of its geographical situation principally, I had named "Atlantic primary chain," in the following passage: "The older strata are now very generally called primary, and an indefinite upper group or portion of them is, by many geologists, called the Transition series, as marking a passage from the primary to the secondary strata. This is perhaps needless, for such passages are not thought necessary to be marked in other instances. Our knowledge of the *upper primary* (transition) strata of England and Wales has been very much augmented by the recent labors of Mr. Murchison." In speaking of the lowest crystalline rocks, I have used, generally, the term Primordial as expressing their place in the column, and being free from all theoretical allusion.

I have been induced to make these observations by seeing, in a geological report, made early in the present year, on the geology of Virginia, by a person in the service of that State, a remark arising out of the designation I had applied to this chain, expressive of his deep regret that Mr. McClure, with others, including myself, should "have indulged so much of the spirit of superficial and precipitate generalization." I shall not express myself, with that writer, that it is "deeply to be regretted" that he should thus voluntarily have exposed his want of information on the state of the science, as we have too many instances of persons, engaged in a new pursuit, endeavoring to draw the public attention from their own deficiencies by rash and silly insinuations against those who have preceded them. Some more experience as a practical geologist may, in the end, teach him that an official report, at least, is not the proper place from whence to cast imputations at his senior fellow-laborers, and that he who commits so great an error incurs the risk of being deemed both superficial and presumptuous. It is to the honor of my friend, Mr. McClure, one of the most zealous and disinterested geologists this country ever possessed, and who is now in a distant country, that his lucid understanding applied a designation, years ago, when the science was first raising its head here, to the district in question, which is now found to be perfectly appropriate. The decorum I feel bound to observe upon this occasion, restrains me from remarking further upon the impropriety of converting the geological literature of this country into a vehicle for impeding the progress of geological information. To make the geology of the United States clearly out, there ought to be a unity of purpose amongst our geologists, and a perfect harmony of conduct. But, returning to the designation which occasioned this note, I think, for the various reasons which have been given, that the term Atlantic primary chain is well adapted; yet if, after a more minute investigation of the chain in its full extent—which I hope to accomplish hereafter—it shall be found that the sedimentary rocks predominate, which I do not believe, the term *Atlantic chain* may still be preserved, since it fronts the Atlantic, and differs from all the other Allegany ridges in its mineral structure.

singular manner in which the causes to which they may be attributed have operated upon the whole line from the southeast edge of the great western bituminous coal field to Georgetown, in the District of Columbia, a distance of two hundred miles, and a still greater distance north and south of the valley. All the beds, with unimportant exceptions, seem to be disposed into anticlinal and synclinal lines.* But of these I shall give some interesting instances when I come to speak of my excursion up that valley on my way to the Northwest Territory last summer.

There is another case of complication connected with the inclined beds, which the student will easily see the great importance of. Rocks whose planes are horizontal, or in any manner parallel to each other, are called conformable, but it frequently occurs that they are unconformable to each other. Diagram No. 5 will give an example of this. Here the stratum *a* may represent the new red sandstone (see the tabular view) at the surface; and as it most frequently, when found, lies superimposed on the bituminous coal measures, it would be consistent with practical and theoretical knowledge to dig through it at N for coal, the true position of which may be at *b*. In this case the miners, beginning midway of the diagram, and sinking their shafts *o o o o* towards N, might come upon the strata, *e, f, g, h*, which lie at a great angle to *a*, and are unconformable to it, having been tilted up into this inclination before the horizontal beds, *a, b, c, d*, were deposited. All this expense would be wasted by unskilful persons; but an experienced miner, acquainted with practical geology, and understanding the reason of this deficiency of the intervening beds, *b, c, d*, beyond the point ×, would sink through *a* further towards S, and thus be rewarded by the discovery of *b*, containing coal veins in their regular position.

The stratified inclined rocks comprehended in the Cambrian and Silurian systems of Europe, which have been spoken of, have many of their proper equivalents in the various formations which occur up the valley of the Potomac, between the Great Falls of that river and the southeast edge of the great Western coal field, and whose beds have been hitherto alluded to by geological writers, as constituting the transition and grauwacke rocks of the Alleghany ridges and country parallel to them on the southeast. The inspection of this valley is highly favorable to the acquisition of just views respecting the geological structure of those numerous ridges, sometimes continuous, sometimes interrupted, sometimes flexuous, and generally anticlinal. An accurate knowledge of their mineral structure and true magnetic direction would be of singular importance to the country. No portion of the territory of the United States which I have visited appears to me so complicated in its geological structure, or is certainly so little known, as the area in question, within which all the important beds of anthracite coal are found, and which has been supposed,† but I believe erroneously, to embrace a portion of the bituminous coal field of the Western country.

All the secondary beds of this portion of North America, which are not reached by tide-water, are limited by those ridges, which have a general parallelism to each other, in a direction usually about N. N. E. and S. S. W. It is a remarkable circumstance, deserving much weight in geological theory, that the general magnetic range of all the transition chains of Great Britain, of the south of Scotland, of Devonshire and Cornwall, of Wales, of the Isle of Anglesea, and of many parts of the European and other portions of the trans-Atlantic continent, has the same line of elevation, the longitudinal axes of the principal ridges as well as those of the minor ones, tending nearly from N. E. to S. W. and several of them having an anticlinal structure; whilst in many situations the line of direction of the carboniferous limestone and incumbent coal measures is, in Great Britain as well as in the American area I am treating of, unconformable to the tilted strata below, and seldom deviating many degrees from a horizontal line. These parallel ridges come down from the N. N. E. through the Middle States, and pursue a S. S. W. course, until they are cut off in Tennessee by the Cumberland mountains, the true eastern limit there of the great Western bituminous coal field. In the State of Pennsylvania and in Virginia many of them contain rich deposites of anthracite coal, and are apparently prolonged to the south in a continuous line, and without material interruption. Yet in places they depart from their parallelism by marked deflections from the general course. Occasionally a ridge will slope off and be discontinued, its place being supplied by another ridge holding the same parallel, or deviating somewhat from it. Sometimes by a sudden flexure they almost double back, and not unfrequently cross the valleys at right angles to the general parallel. In some localities the beds are tilted up almost to a perpendicular line, in others they are anticlinal; some sections of them give the perfect form of an arch, and occasionally they are contorted and twisted in an undescribable manner. It is difficult for any but those who are practically conversant with the complicated state of the geology of this area, to form an adequate conception of the labor and experience requisite to disentangle the complex phenomena which present themselves in passing through any sectional line of this system of ridges. Many proprietors, deceived by the apparent continuity of a particular line of elevation containing valuable deposites at other points, have, from slight indications of coal and iron upon their lands, imagined themselves, by anticipation, in possession of inexhaustible resources, and capital has been vainly expended to bring them into action. Others, from finding coal in the anthracitic area, having slight bituminous properties, have jumped at once to the conclusion that the locality was comprehended within the limits of the Western bituminous coal field, that the coal at greater depths would have all the qualities of the best bituminous coal, and would justify a great expenditure of capital to get it to the Atlantic cities.*

These mistakes are natural, for we easily believe in what we desire. It is impossible in our present defective state of information, without a map which accurately gives the magnetic course of the ridges, to form any but a conjectural opinion whether the anthracite coal of Alleghany, in Virginia, is connected by a particular line of direction with any one of the great deposites of Pennsylvania; and any landholder who has not had leisure to pay much attention to practical geology, and who has been told that anthracite is always non-bituminous, is readily to be excused when, upon finding bituminous coal on his lands, he comes to the willing conclusion that they are within the great bituminous coal field. The public mind can only be properly enlightened on such important subjects by minute and accurate surveys conducted by men of approved experience. All the complexity of the phenomena I have spoken of would then be reduced to an intelligible and instructive system; the topographical position of the ridges would be accurately laid down, their mineralogical character would

* The first of which terms is used to express a line created by a dip of the same beds in opposite directions. Thus, a set of beds which in one part of a given area of country whose general planes are horizontal, and which lie as at A, in diagram No. 4, might, in another part of the same area, take the form of B, which is anticlinal.

† See report of the committee of the Senate of Pennsylvania upon the subject of the coal trade, 1834-'5.

* Mr. Richard C. Taylor, in his valuable paper "on the relative position of the transition and secondary coal formations in Pennsylvania, and description of some transition coal and bituminous anthracite," &c., has sufficiently proved that the supposed bituminous veins of Broad-top mountain, Bedford county, Pennsylvania, belong to the anthracite region (See Transactions of the Geological Society of Pennsylvania, vol. 1, part 2d, page 177, 1835.) These bituminous anthracites were mentioned in my report of last year, page 24, amongst the instances which show a progression in the quality of coals inconsistent with the general opinion entertained of their vegetable origin.

be truly described, every locality would be identified and have its proximate mineral value fixed.

The next formation succeeding to the old red sandstone, both in Europe and America, is the carboniferous limestone, the base of a group of coal-bearing beds, in which the coal is most developed in the superior member, which has consequently received the distinct name of coal measures. The order in which the members of this group succeed each other in both hemispheres, is represented in the following table;* the agreement in the mutual order of succession of the beds of this series is not more remarkable than that which prevails in the lower part of the column.

| Localities. | United States. | North of England and Scotland. | Derbyshire, North and South Wales. | Belgium, and South of England. | Ireland. |
|---|---|---|---|---|---|
| *Coal measures.* Near Cumberland, in Maryland, and Hampshire county, Virginia. | Coal, shale, grits, and ironstone. | Coal, shale, grits, and ironstone. | Coal, shale, grits, and iron stone. | Coal, shale, grits, and ironstone. | Coal, shale, grits, and ironstone. |
| *Millstone grit and shale.* Whitely county, Kentucky, Falls of the Cumberland. | Limestone, | Limestone, | Limestone shale. (Derbyshire.) | - | Kulkeagh grit. |
| Near Rock Castle river, Kentucky. | Grit conglomerate, | Grit stone, | - | - | Lochearn shales and grits. |
| Down the Cumberland to the Ohio. | Shale, with coal veins, | Shale, with coal, | Mountain limestone of England. | Limestones and shales. | Enniskillen limestone. |
| Western part of Bedford county, Pennsylvania. | Compact limestone, with numerous fossiliferous beds and bituminous shale. | Lower series of limestones, with coal occasionally. | - | - | Alternating red grits and limestone. |
| | 8 feet vein of coal in Illinois, opposite St. Louis, Missouri. | | | | |
| | Alterations of red sandstone and limestone, which pass into conglomerates of the old red sandstone formation. | Alterations of red sandstone and limestone. | Alterations of red sandstone and limestone. | Alternations of red sandstone and limestone. | |
| | Old red sandstone. | Old red sandstone. | Old red sandstone. | Old red sandstone. | Old red sandstone. |

Although there is a true succession of the beds just enumerated in this group, yet it by no means occurs that the members of the group are all found in the countries where the formations even exist. In some instances many of the beds are entirely deficient, and in numerous cases they are extremely thick, whilst in others scarce a trace of them appears even to have been deposited. In some countries the coal measures are entirely distinct from the millstone grit and shale, and carboniferous limestone, whilst in others they are almost blended together by alterations of sandstones, limestones, and shales. In the State of Maryland, pursuing the road from Hancock to Frostburg, near Cumberland, the carboniferous limestone does not develop itself, as in the Western country, in extensive horizontal areas. On leaving the highly inclined Silurian rocks, red shales and sandstones succeed to each other. At Flintstone there are beds of limestone containing abundance of organic remains having a strong affinity to those of the carboniferous limestone, but to these immediately succeed alternating sandstones, shales, and slaty limestones; and thus the country rises from Cumberland to Frostburg, about 1,300 feet, where is one of the richest and most regular developments of the coal measures in the United States, with little indication, except what is gathered from fossils, of that carboniferous limestone which has such a splendid extension in various parts of the Western country, and through which the Mississippi flows more than a thousand miles.* It is the very reverse of the picture which the same formations present on descending the country from the Cumberland mountains, by the way of Sparta, to Nashville, in Tennessee. At the summit of those mountains, the sandstone contains nothing more than indications of bituminous coal, whilst, on descending, the carboniferous limestone immediately develops itself, in great force, to a depth of eight hundred feet, to where the Cumberland river loses itself in Ohio; resembling in a degree the calcareous masses in England and Wales which have given rise to the name of mountain limestone. The conglomerates likewise, which in some parts of the country alternate with the lower beds of the carboniferous limestone, in others are entirely detached from it, and form the upper bed of the old red sandstone, as is more frequently the case in Europe. These local differences in the condition of proximate beds, whilst they show an irregularity of action in particular localities, prove that the same cause to which they owe their origin operated to produce these analogous deposites in both hemispheres. Extreme as the difference is between the state and extent of the carboniferous limestone in various parts of the United States, it is equally remarkable in Europe, especially in Great Britain. There, no district where this formation prevails, can scarcely be said to furnish a perfect mineral type to compare with that of any other part of the country, so much are the calcareous deposites varied by alternations of shale, the thinning out of beds, and other incidents. An adequate knowledge of the organic remains belonging to this formation will however be a sufficient guide to the student to identify the deposite.

The great purity of most of the beds of the carboniferous limestone furnishes strong evidence that they have been deposited from mineral waters holding carbonate of lime in chemical solutions as we find them doing in our times. It is true some of the beds are intermixed with argillaceous matter, and hence become less fitted for economical purposes; but this circumstance disposes to the belief that these strata had their origin from below, rather than from the destruction of pre-existent continents, an opinion which some have entertained, since, in this latter case, the heterogeneous admixture must have been more general. A great number of the beds are loaded with nodules and layers of chert, resembling, in a remarkable degree, in their connexion with the limestone, the manner in which detached masses and layers of flint are found lying in the chalk formation. The beds of the Cumberland river, two or three miles above Nashville, and those near Herculaneum, on the Mississippi, furnish striking instances, especially at this last-named place, of the parallel disposition of the cherty layers.

The next formation in the series is the *millstone grit and shale*, the inferior part of which, when well defined, consists of shales, with occasional beds of limestone and coal. The upper part is made up of coarse sandstones or grit, with pebbles of quartz. This is an extensive forma-

* The European part is taken from Mr. Phillips's admirable work "Illustrations of the Geology of Yorkshire," p. 11, London, 1836.

* This is the preponderating formation of Ireland.

tion in England, occupying a considerable area in the central parts of that country, between the 53d and 54th parallels of latitude, where it divides the great coal field of the large manufacturing towns, and runs up alongside of the carboniferous limestone to the coal measures of the northern counties. As it proceeds to the north, its character is less defined and the formations between which it lies run more immediately into each other, presenting regular strata of limestone, with numerous subordinate beds of coal. In the United States the millstone grit and shale is cut through by the Cumberland river, in Whitely county, Kentucky, to a depth of 700 feet; the conglomerate part being about 500 feet thick, and the shale, with three horizontal good veins of bituminous coal, each from three and a half to four and a half feet thick, being about 200 feet. At the gap of Will's mountain, in the vicinity of Cumberland, there is a fine exhibition of this formation, in an escarpment between 800 and 900 feet. The inferior is a reddish chocolate-colored shale, of which the superior and greater portion is a gray quartzose sandstone. On rising the Alleghany mountain* from Shellburgh, in Pennsylvania, the quartzose conglomerate incumbent on the shale is found near the summit. Mr. R. C. Taylor, in his instructive paper accompanying "a section of the Alleghany mountain and Moshannon valley, in Centre county, Pennsylvania," † notices the same "conglomerate rock or pudding stone, composed of white quartz pebbles, set in a coarse grit," as underlying the inferior beds of the bituminous coal measures.

The coal measures usually consist of repeated alternations of micaceous sandstones in thick beds, or, when thinner, in incoherent lamina, alternating with shales; shales, beds of iron stone, fire clay, bituminous coal, and occasional beds of limestone. In these circumstances, the great coal fields of South Wales, central England, northern England, Scotland, Ireland, and the other great coal countries of Europe all agree. There is perhaps not a section to be obtained from any mine in any of these districts, for which something like an equivalent could not be found in the other districts, as to their general approximating character. The veins vary in width, from seams of a minute proportionate part of an inch to upwards of thirty feet, and, together with the veins of ironstone and argillaceous iron ores, constitute, as is generally known, a most important part of the wealth of the British empire. The structure of the Western bituminous coal measures of the United States resembles closely those of Europe, except in the circumstances that they are not so much dislocated by disturbances from below; and one of the objects of this sketch of the structure of the geological column being principally to show the general agreement in the order of the succession of rocks in both hemispheres which the coal itself makes sufficiently manifest, I shall defer the particular consideration of the coal measures of this country to another part of this report.

Being now arrived at the point where that deficiency in the United States of no less than twenty-one important strata of European rocks, estimated to contain a geological thickness of 5,500 feet, commences, beginning with the Exeter red conglomerate, and ending with the weald clay, both inclusive, (a very remarkable deficiency, which I was the first to point out, in the year 1828,) I shall merely advert to the prominent characters of the different mineral beds, that any student into whose hands this report may come, may have an opportunity of applying those characters to any rocks he may meet with, which are not in accordance with those of the rocks hitherto alluded to. In an economical point of view, the formations in question, not containing the precious metals, or much of the useful ones, or embracing any important deposite of coal, are not so much to be regretted, except, perhaps, on the score of the fine freestones they include; but nothing, as will hereafter be seen, can exceed the surprising interest which the organic remains embraced in them have excited.

We now come to a series of formations constituting the *new red sandstone group*, which varies very much in its structure in different portions of Europe. The whole group, however, may be divided into five portions—the *variegated marls* of the Vosges in France, the *muschelkalk* of Wurtemberg and other parts of Germany, the *new red or variegated sandstone*, the *magnesian limestone* or *zechestein*, and the *Exeter red conglomerate* or *todtliegende*. These will be briefly noticed in the ascending order.

The *Exeter red conglomerate*, or supposed equivalent of *todtliegendes*, is a conglomerate formed of beds which have preceded it, fragments of the carboniferous limestone forming a considerable portion of its structure. It is called in Germany todtliegende or dead stratum, in contradistinction to a bed of copper slate which rests upon it, and which is worked for the metal it affords, itself producing none.

The *magnesian limestone* or *zechstein* varies very much in England and Germany. Professor Sedgwick* has described this formation with great ability and detail as it exists in the north of England, considering it the equivalent of the zechstein† of Germany. In Nottingham, Derbyshire, Yorkshire, and Durham, however, it differs essentially in structure and arrangement, consisting of marly slates and compact and shelly limestones, with a great central deposite of yellow magnesian limestone, both compact and laminated. Some of the beds have an extraordinary quantity of magnesia contained in them, whilst others, with irregular concretions of crystalline limestone, have no magnesia, but occasionally an oolitic structure. The fossil fishes found in this formation resemble those of the *kupferschiefer*, or copper slate of Germany. The German beds of this formation are provincially called "asche," (the loose marl,) "stinkstein," (fetid limestone,) rauchwache, zechstein, and kupferschiefer. The rauchwache, when very porous or rather cellular, has often a thickness of from forty to fifty feet. The kupferschiefer has a mean thickness, in the Mansfeldt country in Thuringia, Franconia, and the Hartz, of about one foot.

The *new red or variegated sandstone* is named after the colors red, white, blue, and green, which distinguish this rock In some parts of Germany it includes conglomerates. Rocksalt and gypsum are found in it. Occasionally the mica it contains is sufficiently abundant to render it schistose.

The *muschelkalk*, which is deficient in Great Britain, is a gray compact limestone, passing into marls.

The *variegated marls of the Vosges* pass into the lias, the superincumbent formation. They are generally of a red and greenish color, and contain dark schistose seams and thin beds of quartzose sandstone. Salt and gypsum are found in the inferior part. The passage of this rock into the lias is not marked in England by these characteristic marls. If there are any rocks in the United States which deserve to be examined with the most precise accuracy, with a view to institute a comparison with the members of this group, I should point to those which are included in Mr. Hitchcock's paper ‡on the geology of the Connecticut, where, amidst red argillaceous schistose sandstone, in the valley of the Connecticut, fossil fish are found in a bed of bituminous shale of a mean thickness of about ten feet. Mr. Hitchcock states in that paper that Mr. Brogniart was of opinion the Connecticut formation had the strongest resemblance to that of the bituminous marl slates

* This is the general name given to that lofty ridge which separates the bituminous coal measures from all other Alleghany ridges.

† Monthly American Journal of Geology and Natural Science p. 433.

* Transactions of the Geological Society of London, vol. 3, part 3, "On the geological relations and internal structure of the magnesian limestone, and the lower portions of the new red sandstone series, &c By the Rev. Adam Sedgwick," &c.

† Formerly the provincial name of a single bed, now the scientific name of a series of beds.

‡ Silliman's Journal, vol. 6, p, 73.

of the copper mines in the country of Mansfeldt and Hesse, and that he did not consider the occurrence of thin beds or veins of coal as opposed to his opinion, which of course was founded upon description and upon specimens. These seams of coal are thin, not exceeding one inch, yet sufficiently numerous to have induced Mr. Hitchcock, in his minute and admirable paper for the period in which it was drawn up, (1822,) to name it the coal formation, a term which invites a great deal of investigation, on account of the great value of the results connected with it. I would remark here, that the occurrence of seams of bituminous coal by no means identifies the rocks in which they are found with the regular coal measures, since, without speaking of other portions of the geological column, it is stated by Professor Pusch* that seams of coal from three to twenty-five inches thick are found in Poland between the muschelkalk and the oolitic series, in the very group now under consideration—a circumstance which strengthens the analogy between this group in Europe and the coal formation of Connecticut. To this may be added the important fact of the presence of copper in both formations, which, although existing under different conditions in each of them, may have been produced in each by the same cause. In Germany the copper is obtained from the stratum of slate in which it is distributed, and which, as has before been observed, reposes upon the conglomerate bed below; whilst in Connecticut the carboniferous rocks alternate with intrusive rocks, and the copper, according to Mr. Hitchcock, is "found on the margin of the greenstone and coal formation, and the veins always pass, either laterally or perpendicularly, from one rock into the other." The presence of the copper, in both instances, is probably owing to the disturbance which in the one instance produced the conglomerate on which the kupfersciefer rests, and in the other to the intrusion of the greenstone beds amongst the beds of the coal formation, laying, frequently at an angle of 40 degrees with the horizon, beds which originally were deposited on a horizontal line. My own observations of these Connecticut carboniferous beds, which have been made at various intervals, whilst passing too rapidly through the country, have led me to the opinion that they form part of the regular coal measures very partially deposited in this portion of the United States.

The *lias* is considered to be the lowest formation of the *oolitic series* of rocks, so called from the calcareous beds of the series being distinguished by the general prevalence of a peculiar structure, their substance being more or less composed of small ovula or concentric egg-form grains of carbonate of lime, resembling the roe of a fish, from which resemblance it was usual once amongst mineralogists to denominate oolite rock roestone.† In Great Britain, and on the continent of Europe, this formation has a very general character, sometimes masses of argillaceous marls predominating, and at other times, especially in the lower portions of the formation, beds of limestone, with an occasional oolitic structure. In England this deposite traverses the whole kingdom, the general direction being east of north, in a somewhat curved line, from near 50° 30′ to about 54° 30′ north latitude. In that country the mass of the deposite consists of a blue clay, somewhat bituminous and exceedingly pyritiferous, containing numerous courses of iron stone and septarious nodules. Arenaceous limestones and beds of sandstones are inclosed in this, and, towards the bottom, very characteristic beds of pure blue and white limestones, useful as lithographic stones. This structure of the mass gives it an external appearance, which distinguishes it so much from all other formations and groups that it is impossible to mistake its characters. But the surprisingly interesting organic remains which are entombed in it, and which will be hereafter alluded to, have established its still more general character, wherever it has been observed. I have not seen any thing resembling it in any part of the United States.*

It will be evident to all who consider the general structure of the oolitic series, that it could not have escaped observation had it existed within those parts of the United States which are known to geologists; for, taking it as a mass, as it is found in Europe, where, from local causes perhaps, some of its members are irregularly distributed, it presents three distinct argillo-calcareous deposites of a mean thickness of about five hundred feet, alternating with other deposites of a calcareous and sometimes arenaceous structure. These three argillaceous masses are the lias, the Oxford clay, and Kimmeridge clay, and the causes which deposited them have been so general as to have been simultaneously in action in England, France, and Germany.

Some of the English writers have found it convenient to separate the oolitic series into four divisions, placing the Portland oolite and the Kimmeridge clay in the first division, (descending order,) the coral rag and Oxford clay in the second, the cornbrash, the forest marble, the Bradford clay, the great oolite, the fuller's earth, and inferior oolite, in the third, and the lias in the fourth.

The third division, now about to be noticed, is generally called the lower or bath oolite formation, on account of the beauty and value, for architectural purposes, of the freestone taken from the great oolite bed near bath.

The *inferior oolite* is in some places an arenaceous deposite, sometimes superimposed by limestones, with occasional oolitic iron ore, and underlies a stratum of pure aluminous earth, called fuller's earth. In Yorkshire this bed is ferruginous and shelly in its fracture, and is subjacent to sandstones and shales, with seams of bituminous coal.

The *fuller's earth* is not a general deposite, but is found very valuable in the useful arts.

The *great oolite* is the distinguishing member of this division, and furnishes the freestone for the public and private buildings at Bath, in England, as well as in Normandy and other parts of the continent.

The *Bradford clay* is a partial deposite, remarkable for its very perfect specimens of apiocrinites rotundus, or the round, pear-shaped encrinite.

The *forest marble* is a coarse, shelly, oolitic limestone, associated with sands and sandy accretions. It is a remarkable bed in the geological history of the series for having produced the first specimen of a quadruped, the didelphis bucklandi, an extinct species of opossum.

The *cornbrash* is a coarse, shelly limestone, owing its somewhat dissonant name to the facility with which it disintegrates and yields to the plough, being, according to the old provincial term, *brashy* or breaky enough to enable the plough to prepare the surface, where this rock prevails, for wheat, always called corn in England. In Yorkshire the sandstones, shales, and seams of coal repeated, are subjacent to this stratum, and are conceded to be the equivalents of Mr. Murchison's coal seams of Brora, in the oolitic group of Scotland, which he first described.

The *Oxford clay* is a dense, blue, argillo-calcareous mass, including stony beds called *Kelloway rock*. This is an extensive deposite, as well on the continent as in England, where, with its associate members of the oolitic series, it describes an incurved line through the kingdom, following the course of the lias.

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* Journal de Geologie.

† Some beds of the carboniferous limestone are oolitic in the United States, which is the case in the same formation in Europe.

* I do not know whether the writers on American geology, (Silliman's Journal, Oct. 1835, Jan. 1836,) who still continue to describe various members of the carboniferous limestone as the equivalent of the lias, have ever been in Europe and have examined the lias beds there. I should think not. Having had sufficient opportunities of comparing the American localities referred to, with the lias in various parts of Europe, I can but repeat that the characteristic fossils of the lias have not been seen here, and that the mineral affinities of the American beds in question, as well as their fossils, class them beyond a doubt in the carboniferous limestone.

The *coral rag* is an oolitic rock, lying between an upper and lower calcareous grit in the north of England. The ovula are frequently as large as peas, which has occasioned the rock in certain localities to be called pisolite. This deposite is remarkable in some localities for its abundance of coral structure, and deserves notice as separating those two great argillo-calcareous deposites betwixt which it lies.

The *Kimmeridge clay* is a calcareous clay, of a blue color, which, like the other great argillaceous deposites, contains septaria, besides lignites.

The *Portland oolite* is the bed which produces the fine freestone called in England Portland stone; it is found both compact and oolitic, is disposed to be cherty, and contains, towards the bottom, green sandy beds.

The *Purbeck limestone* is superincumbent to the oolitic series; its general structure is clays, embracing beds of limestone with ironstone.

The *Hastings sand* consists of various colored sands and sandstones, containing lignites and coarse grits.

The *weald clay*, so denominated from the weald of Sussex, is a stiff, slaty clay, containing ironstone, alternating towards the bottom with sands, and embracing beds of fresh-water limestone.

We have now reached the cretaceous group, where we again find an appearance of equivalents in this country to the European formations. The lower part of this group has been usually called the green sand formation, from its abounding in green-colored grains, which, upon analysis, give silex, protoxide of iron, alumine and potash. They are the distinguishing mineral characteristics of its structure wherever it has been observed, but do not obtain in the central portion of the formation, where a strong bed of arenaceous and calcareous clay, called *gault*, divides it into three portions, the *lower green sand*, the *gault*, and the *upper green sand*.

The *lower green sand* is very ferruginous, containing beds of sand more indurated towards the bottom, with limestone in some localities.

The *gault* is a bed of grayish blue clay, effervescing strongly, and containing fossils which have a very fine nacre frequently.

The *upper green sand* is a mass of stratified sands, containing a large portion of the green grains, and occasionally green or reddish nodules, which upon analysis have yielded phosphates in great proportions. Thick regular seams of chert are also sometimes found in it.

The upper part of this group consists of the chalk marl, the lower chalk, and the upper chalk, all of which appear to be deficient in the United States. The mineralogical characters of these two last members of the cretaceous group are so well known, the carbonate of lime of which they consist, on account of its pure white color and its loose state of induration, being so conspicuously different from any other known mineral, that the student is in no need for any other guide to assist him in discriminating between this and any other rocks he may meet. They have not yet been noticed in any part of the United States. This is not the case with the lower members of the cretaceous group, which form a very extensive but very irregular line from New Jersey to the neighborhood of the Mandan country, in about latitude 47° north, a line which was more particularly noticed in my report of last year.* This lower division of the cretaceous group for a great portion of this distance has a common mineral character not much dissimilar to that of the same deposites in Europe; but the agreement in the fossil bodies found in it is so strong as to leave no doubt whatever of our having the equivalents of the green sand formation of Europe in the United States. There are also satisfactory reasons for believing that these beds are deposited for much the greater part of that line, if not upon the whole of it, on the lowest beds of the primary order, so that the line itself may be considered as representing the shore of the ancient ocean which deposited these beds. The localities of these beds in the United States are New Jersey, some points on the left bank of the Potomac river, Maryland, and near Coggin's point, on the right bank of James river, Virginia, where they are generally covered over by the tertiary. Farther south the coast lies so low that the inferior beds of the tertiary are below the water level, but, scarce as natural sections are, the beds sometimes reappear as the country rises in the interior, and at Prairie bluff, on the Alabama river, and in the neighboring country, are rich in the subcretaceous fossils. From thence they may be traced at various points along this ancient shore, on the west of the Tennessee river, in Arkansas, in Hempstead and Sevier counties, westward, to the Kiamesha, near Fort Towson, and so on up the False Washita, till the line deflects to the north and runs up to the Black hills, terminating probably south of the Mandan country.

The last three deposites of the column forming the tertiary order have also their representatives in this country, their mineral character, taking them in a mass, having a strong general resemblance, which is completely established by their organic contents, and their common position, so near the surface, in the geological column; but, in the numerous parts of the world where they occur, the series of clays and sands and imperfect limestones which they exhibit, are so irregularly distributed, that no one locality can be set up as a general type. Formerly, their mineral character was principally relied upon for their classification, but of late a new arrangement has been applied to them, the basis of which is their supposed proximity to the present order of nature, evidenced by the respective proportions of fossil shells they contain of species which exist at present. Of this a fuller explanation will be given.

Before any thing further is said of the lower division of the tertiary, it is proper to remark that the opinion which prevailed some time ago that there was a distinct separation between the superior part of the chalk and the lowest bed of the tertiary, as if geological causes had ceased for a while, has been brought into doubt by more extended investigations. It was known long ago that the surface of the chalk had been greatly abraded, and the beds of plastic clay which succeed to it in some parts of England are exceedingly loaded with nodules of flint washed out of it. The deposite of Mont St. Pierre, also in the Maestricht district on the continent, which differs from the chalk and the lowest tertiary beds, having a distinct mineral character, and containing fossils not common to the chalk, showed a real passage from the chalk to the tertiary. Similar observations have been made in other parts of Europe. There is a most interesting paper connected with this subject in the Transactions of the Geological Society of London, vol. 3, part 2d, accompanied with plates of the Gosau and Styria fossils, and a fine lithographic view of the valley of Gosau, in the Salzburgh Alps, by Mrs. Charlotte Murchison. In this paper Professor Sedgwick and Mr. Murchison, after a careful examination of a series of beds lying between the chalk and the tertiary, have, after a second investigation made by Mr. Murchison for that purpose, come to the decision that a series of blue marls, alternating with compact limestone and calcareous grit, are independent of and intermediate between the chalk and the lowest known beds of the tertiary. The developments of the tertiary beds are so numerous in this country, that a similar passage may hereafter be recognised here.

The *lower tertiary formation* is subdivided into the London clay and the *plastic clay*. The bed called plastic clay of the English geologists is found, as well as that in the vicinity of Paris, lying upon the chalk, yet the French deposite, from which it takes its name, is a true clay, ap-

*Page 37.

plicable to the plastic uses of the potter, resembling the colored clays near Newcastle, Delaware, whilst the deposite in the environs of London consists of beds of flint and pebbles alternating with sands and clay, yet has received the name of plastic clay, because it occupied the same geological position with the French deposite.

The *London clay* is the great, dark-colored, argillaceous mass upon which the city of London stands. Its mineral character, however, varies: calcareous beds, with fossils, are enclosed in it, with large septaria. Although these two clays have acquired distinct names, yet there appears nothing in their mineral character, which warrants this distinction being kept up, or their being considered other than as a series of clays, where the fossils preponderate in the upper part, and the sand and pebbles in the lower. This is the *eocene* group of Mr. Lyell, a compound Greek term, expressive of the dawn of the present order of nature, a small proportion of the fossils contained in it belonging to species now found living.

The *middle tertiary or miocene beds* have their best type in France, and comprehend the lower fresh water, the upper marine, and the upper fresh water of the vicinity of Paris. The lower fresh water contains siliceous limestone, with gypsum and the bones of the palœtherea and other extinct animals, and fresh-water marls. The upper marine consists of gypseous marls, sands and sandstones, and marine marls and limestone. The upper fresh water contains millstone without shells, and fresh water marls. The term *miocene* is expressive of an increased number of recent shells in its deposites, but that they are in a minority as to numbers.

The *upper tertiary or pliocene* includes the tertiary beds of Sicily, the crag of Norfolk and Suffolk, in England, and the sub-Appenine marls. These last consist of various deposites of marl, with sand abounding in fossil shells, of which upwards of 40 per cent. belong to existing species. The crag is found sometimes lying on the London clay, sometimes on the chalk. It is a sort of ancient beach, where sand, gravel, earth, red ferruginous sand with ochreous nodules, and coarse white and other sands, containing vast quantities of fossil shells, succeed to each other. The proportion of recent shells is about the same as that found in the sub-Appenine beds, and they are, therefore, deemed to be of the same age. The tertiary beds of Sicily consist of stratified marine deposites of clay, sand, and limestone, at great heights above the sea, and which contain 95 per cent. of existing species. The term *pliocene* expresses a majority of recent shells to be present.

These tertiary beds, which occupy so large a portion of the surface of Europe, are well developed in the United States, and extend as far to the south as the country has been examined, usually accompanying the subcretaceous beds, and covering a prodigious area towards the Atlantic, south of the State of New York. The vast deposites of tertiary shells in this area are now in situations where they are accessible, usefully applied to agricultural purposes, especially in New Jersey, Maryland, and Virginia. The mineral character of the deposites in which these fossils are found, is often formed by various-colored clays of a very unctious character, occasionally divided by thin ferruginous seams, sometimes abounding with minute crystals of selenite, at other times containing very large aggregate crystals, all of which appear to owe their origin to the organic bodies superincumbent to them. Sometimes, as in the banks of the Choptank river, in Talbot county, on the Eastern Shore of Maryland, beds of fossil shells of various genera, with a very slight proportion of marly earth strewed amongst them, rise from 15 to 20 feet by the water side, whilst in other proximate localities extensive areas seem to be formed of nothing but fossil oysters. Other localities, containing a great profusion of these fossils, are found in the vicinity of Piney Point, a summer bathing-place on the Maryland side, about twenty miles from the mouth of the Potomac. Fine exhibitions of this kind, also, are seen on the right bank of James river, Virginia, extending southeast from the vicinity of City Point, wherever the banks are high enough. Occasionally calcareous masses are found irregularly distributed beneath the greenish argillaceous marls, containing the impressions of shells only, as if their calcareous substance had been carried below by the constant percolation of water. These appearances, varying with the localities, are common to all the shell deposites of the tide-water districts of the Southern country, and may be traced, associated with the subcretaceous beds, the whole extent of the line defined by them. Little has been done hitherto to class these various beds according to the intelligent system proposed by Mr. Lyell. This is a task requiring the devotion of much time, by individuals possessing a minute knowledge of conchology, and which cannot be achieved in a very short period.*

The geological column, of which this slight sketch has been given, finishes with the superficial soil upon which we live. This consists either of the detritus of pre-existing beds brought into its place by the agency of water, or of the decomposed parts of rocks in place, the decomposition of which has been effected by external causes.

In the preceding pages it has been mainly the intention of the writer to effect three things: to furnish some guide to the student for the discrimination of beds; to show that the strata, with the exception of the intrusive rocks, have come into their places after an invariable succession; and that the resemblance between the members of this succession in the United States and the order of the European strata is so strong as to warrant the inference that they have been produced by similar and contemporaneous causes. In the remarks which yet remain to be made, other remarkable proofs will be produced of these truths, derived principally from the organic bodies found in these strata. It cannot escape an observer that the rocks upon the habitable surface of the earth, and frequently at an elevation of many thousand feet above the level of the ocean, contain fossil shells and the impressions of animals that could only have existed in salt water; in some instances the beds are almost entirely composed of them.† Such rocks, then, must have been covered for long periods of time by the ocean. More extensive observation would show that the greater part of the surface of the earth, if not the whole, has once been in that situation. The student will now find himself zealously engaged in an inquiry concerning the causes which have either raised the bottom of the ocean from its ancient level, or depressed it to enable the waters to recede. Happily, the progress which has been made in the investigation of facts will enable him in our day to arrive at a satisfactory conclusion, without having recourse to any hypothesis whatever. To explain this briefly and succinctly, it must be premised that we can have no practical knowledge of the structure of the earth beyond the depth of its superficial crust, whilst the semidiameter of the earth exceeds more than five hundred times the thickness of that crust. But the mean specific gravity of the whole is about double that of the crust—a circumstance which proves that the interior is not composed of oxydes, as we may suppose the greater portion of the exterior to be. The contents may partially consist of ponderous bodies, of the nature of metalloids, and great cavities may exist there. The existence of volcanic action through every part of the known world, either by the eruption of active volcanoes or by earthquakes, is an assurance

* Mr. T. Conrad possesses the requisite qualifications, and has acquired so much local information of the Southern beds, that it would be comparatively easy for him to accomplish it.

† The limestone near the top, on the north side of the ridge from the foot of which the Bath waters of Morgan county, Virginia, rise, is full of remains of encrinites and cardia.

that there must be vast cavities in the interior where igneous action is fiercely at work, and of which these volcanoes may be considered as the safety-valves. The disturbances resulting from earthquakes may be considered as the effect of the resistance which the solid parts of the crust of the earth oppose to the expansive power striving in those profound cavities. Applying this power to many phenomena of the science, we are able to comprehend what would otherwise be incomprehensible. The lowest rocks which have yet been met with in penetrating into the crust have been of the granite kind; but in ascending to the summits of some of the highest mountains, we find them composed also of granite. We have no method of explaining this apparent paradox but in having recourse to this subterranean force, and giving due attention to the multiplied evidences of its intense exertion. Thus, when we observe some of the stratified beds which lie much higher up in the series than the granite, reposing at high inclinations upon the flanks of the granite mountains, with accompanying marks of violent dislocation, the truth flashes upon us, and we perceive that these mountains have once existed at lower levels, and that they have been forced up through the superincumbent beds. We thus become acquainted with the existence of a power capable of the mightiest mechanical exertions. If earthquakes in our time rend the earth, dislocate its solid parts, and ingulf portions of it in the chasms they produce, what were they not capable of when the subterranean force, at an early period of the deposition of strata, was infinitely more energetic, and had much less resistance opposed to it?

These conclusions, to which geological opinions have been for some time tending, and which are now universally adopted, are the result, not only of geological observations, but of mathematical and physical reasonings, which lend them every authority when applied to the causes which have determined the spheroidal figure of the earth, and the state of igneous fluidity it must once have been in to assume that figure. If this is to be called a theory, it is only another name for the incontrovertible result arising from the sound generalization of well-ascertained facts. To some, it is true, who have never reflected upon this subject, it may appear startling to hear that continents and chains of mountains have been raised from the interior parts of the earth by the force of subterranean power; but every effect is proportionate to its cause, and where the first is definite, and the last immeasurable, we must submit to the reasonableness of the proposition, remembering always, that although human power dwindles into insignificance when applied in imagination to disturb a mineral mass like the crust of the earth, yet it is demonstrable that a gaseous pressure may be generated in such a radius, to which the known mineral mass could make no resistance. In reasoning, therefore, upon these high matters, we must not measure unknown forces by our own feeble powers, but by the effects they are capable of producing, and, when causes and effects of this high planetary character are under consideration, must reason of them in relation to the proportion in which they stand to each other.

The evidences of these upheavings of land are common in all extensive countries, especially those where the inclined rocks prevail—a character common to all the strata below the carboniferous limestone; and geologists have availed themselves of this very inclined state of the beds, to establish as it were a chronology for the history of all mountain ranges, showing, relatively, the successive geological periods at which they have been thrust up. It is obvious, if any of the primary rocks are found at great elevations, with other beds, superincumbent as to them in the column, hanging in an inclined state on their flanks, these last having other beds still newer, deposited in an undisturbed state upon their sides, that two geological epochs are represented here—the appearing of the primary rocks through the adjacent stratified beds, and a subsequent period of repose, during which a newer set of rocks had been deposited. Wherever the beds have been thus dislocated, it is evident the upheaving took place subsequent to their deposite, and before the deposite of the undisturbed rocks adjacent to them. This is more accurately shown by the two following diagrams from nature.* In Leicestershire, England, (diagram 6,) the granite, *b*, *b*, and slate, *c*, *c*, present beds highly inclined, but on the edges of those beds, new red sandstone, *a*, *a*, and lias, *e*, are found in a horizontal position, showing that these last have been deposited subsequent to the upraising of the first. In the system to which Mont Blanc and the western Alps belong, the primary beds have the oolites, the green sand, and the tertiaries, lying in a disturbed manner upon their flanks, showing that this system of mountains was upraised since the tertiaries were deposited. Diagram No. 7 represents a section of Alpine beds, near the Col de Balme and Mont Blanc, where *a*, *a*, are alternate beds of lias and oolite, the equivalents of those horizontal beds *e*, in diagram 6; *b*, *b*, are beds of pudding-stone, tilted up at a high inclination, with the pebbles lying vertically, and not, as they were first deposited, on their long axes; *c*, *c*, a col, or passage excavated in the soft slate of the mountains; *d*, *d*, perpendicular plates of granitic beds, with pyramidical caps, called aiguilles or needles. The dotted lines mark the supposed original prolongation of the beds, before the granite came up, on the flanks of which they lie at an inclination varying from 65° to 80°. Mont Blanc is 15,534 feet high, and the pyramidal peaks, which time, and the abrasions consequent upon their upraising, have worn into their present forms, were once, in part, many thousand feet beneath the now lateral surface of the stratified beds they have thrown into this high inclination. These sections show that mountainous chains may have been upraised at any of the periods belonging to the succession of strata, and that each period may have its peculiar system of mountains. To a great extent, this has been found to be the case, and geological periods of elevation can be distinguished, establishing, not chronologies belonging to the present order of nature, but to the great history of subterranean dynamics, to which the present varied form of the earth must be referred, modified, as it has ofted been, by the action of the waters invariably displaced by these elevations. The practical uses to be derived from the detailed geological examination of mountains and ridges are numerous. Where any chain or series of parallel ridges is productive of useful metals, combustibles, or mineral bodies, all its parts may be investigated with a view to trace its continuities; and by connecting distant points having the same mineral structure, deposites may be identified, known in some localities to be productive. The series of Alleghany ridges, hereafter to be spoken of, are a proper field for the exercise of these investigations.

It is deserving a remark here, that some geologists in Europe, who have bestowed much investigation on this subject, have supposed that mountain chains elevated at the same period of time have a general parallelism in their magnetic bearing. It has been already stated that many of the transition chains of Europe tend from northeast to southwest, which is the general direction of the series just spoken of. If this conformity of bearing could be established, it would lead to speculations on the laws of the elevating power, and perhaps eventually open the way to an explanation of the principle upon which the structure of anticlinal rocks depends. In this country our investigations on this subject must be limited to the Alleghany series, having nothing higher than the coal measures, except the tertiary beds of flat districts; the upheavings therefore of some of those secondary chains which have been described

* From Bakewell's Geology.

by that eminent geologist, Elie de Beaumont, as forming part of the geological phenomena of trans-Atlantic countries, are not exhibited here. There being no evidence of other rocks having been deposited on the eastern flanks of the Alleghanies since their upheaving, a very extensive portion of this continent must probably have been upraised before the oolitic system in Europe was deposited.

Many circumstances concur to prove that some of these elevations were of a sudden and violent nature, the chains coming up by paroxysmal movements through the superincumbent ocean, and fracturing and contorting the strata through which they were forced. Thus, in that system of elevations which includes the Pyrenees, the northern Appenines, and other parts of Europe, the cretaceous beds are found lying in the greatest disorder on the tops of the highest mountains, with the tertiary beds undisturbed and horizontal in their vicinity, showing that the movement took place between the deposition of the chalk and the tertiary. Every cubic foot, too, of mineral matter would displace another of water. Here we have a phenomenon of another kind, producing singular effects, the evidence of which is constantly before us: the ocean thrown out of its bed, mighty currents created, the ruptured mineral matter broken into boulders, rounded off into pebbles and gravel, and the whole deposited in situations where their relative specific gravity and the intensity of the moving power would carry them. Here we have the origin of all the conglomerates, those indurated gravels which are found even in the tin mines, low down in the primary rocks, proving the great antiquity of movements of this character. Hence are derived the great gravel beds in which are found entombed the remains of the ancient mastodon and elephant, the victims probably of the movement of their period. The detritus in the common superficial soil of the country is an admirable study for the young geologist. The vast collection of gravelly matter which is found almost everywhere on the surface, is formed from the ruins of rocks of anterior periods, and brought there by the agency of water. There is an immense collection of detritus of this kind at the city of Washington, and especially near the margin of the Potomac, at the western termination of New York avenue, where fragments even of the fossiliferous rocks of the Alleghany ridges, together with every variety of specimens of the rocks constituting the Atlantic primary chain, are found, all of which detritus appears to be consequent upon their elevatory movements.

In bringing together these notices and views, the intention has been merely to give a direction to the investigations and reflections of the student. In the numerous geological treatises which have appeared of late years, he will find the most interesting details respecting all the phenomena which have been alluded to. He will there also find abundant information respecting the metalliferous rocks, and the nature and direction of mineral veins. The subject, however, is too interesting to pass over without pointing to some phenomena that will be found extremely interesting to those who are turning their attention to mining in the United States, since they constitute some of the principal guides of practical miners in their operations.

It is worthy of remark that iron, without the use of which man could scarcely have achieved his own civilization, is the most abundant of all the metals, and is found more or less in all the rocks. In the inferior rocks it is found in veins or immense fissures produced by dislocation, in the compact metallic state. Immense masses of this kind are found in the State of Missouri,* in New Jersey, and in Franklin county, New York. These have all evidently had a direct subterranean origin, whilst the hydrates or ferruginous ores of the superior beds are to be considered generally as oxydes derived from them. Many of the ferruginous sand rocks were doubtless once in the state of our recent bog ores, just as many conglomerates and great rocks were once in the state of loose gravel. The compact metals, with the exception of the sulphurets of lead and zinc, have their principal seat in the primary beds, either in veins which traverse mineral masses, or disseminated in these last. These veins may have either mineral or metallic matter, or both, in them. They are vertical, inclined, and horizontal, often running in parallel courses as if they had a contemporaneous origin, and intersecting each other in such various ways as to leave no doubt that many of the intersected ones have been formed prior to those by which they are intersected. There is a very instructive exhibition of this kind at Fudia, one of the Western islands.* In diagram No. 8 is a representation of different kinds of mineral veins intersecting the gneiss, and of the dislocations which have taken place during the injection of some of these veins. It will be observed that the striped laminæ of the gneiss, produced by the plates of mica, which once were continuous, have their continuity interrupted, as if they had been violently separated, and one portion shifted higher up, or depressed below the natural level. To the left is a vein of granite intersecting the gneiss, and itself intersected and shifted by a vein of quartz. At the top is another vein of granite intersecting the gneiss, and again intersected by a vein of trap. It is to be inferred from these appearances, that the veins of granite, and perhaps the trap vein, had penetrated the gneiss before it had taken its indurated state, and that, posterior to its induration, a dislocation or shifting took place, occasioning the fissure filled by the vein or quartz. The dislocations of strata occasioned by the exertion of such intense subterranean power frequently interrupt the operations of miners, who, finding the continuity of the beds interrupted by the sinking or rising of one portion of them, have applied the technical term *fault* to them. Where these occur, a mining district has to be studied very accurately in relation to them, for it is evident that no mining operation upon a large scale can be carried on with proper economy, both as to drainage and arrangement, without their extent and direction being first known.

By studying the veniferous rocks we perceive that veins are not only earthy or mineral, but metallic in their nature, and that some are posterior to others. This last fact has induced some persons to entertain the opinion that metals are of different ages; and it is certainly true that the rarest are usually found amongst rocks of the highest antiquity. The interesting fact also has been established, that the most productive veins have a general direction from east to west. This is the case with the tin veins or lodes in Cornwall, as well as those lodes containing copper. The veins which run nearly north and south are not as metalliferous as the others which they intersect. Many of these, called *flucan*, in Cornwall, are filled with clay. Clay is sometimes found in the copper veins; and as other metallic veins which deviate from the east and west course contain increasing quantities of clay, and the flucan or clay veins running from north to south, the evidence seems to be strong that there are different systems of veins, the more minute study of which may hereafter lead to important results respecting their general origin, and the causes which have modified their contents. The ancient Wernerian notion, that minerals and metals settled into fissures, from aqueous solutions, is now exploded, and the more general opinion that they have been injected from below has been substituted for it; still they present themselves occasionally under such circumstances as baffle our judgments. We do not understand why veins are sometimes extremely dilated, then contracted into a very small space, and afterwards dilated again into pockets, resembling a number of blown bladders connected by a long wire. Another curious phe-

* Report 1833, page 52.

* McCulloch's Western Islands.

nomenon is, that their contents are modified on entering a different rock; they usually have a case or sheath differing from the mineral matter of the rocks they are found in. The walls of sulphuret of lead, in passing through sandstone, are often formed of sulphate of barytes, but, on entering the limestone above, they change to carbonate of barytes, in balls, with a radiated diverging structure. Sulphuret of zinc is sometimes abundant in the upper part of veins, that lower down become rich in copper; and in the mine of Cook's kitchen, Cornwall, after first working through tin, and then through copper, to the depth of eleven hundred feet, tin is again found, and worked to the depth of near thirteen hundred feet. The same vein, at Dalcoath mine, is sometimes contracted to six inches, and sometimes dilated to forty feet. Although it appears demonstrable that the contents of many metallic veins have been injected from below, it appears probable that the contents of others have been modified by chemico-electric action, and that metals may be formed by processes analagous to those upon which the formation of saline crystals depends. Mines which have been closed on account of inundation, for two centuries, have, on being re-opened, exhibited the curious spectacle of native silver coating the wooden supports which had been left there. The walls of veins and the atmosphere may stand in the relation of galvanic plates to each other, and decompose and recompound gaseous bodies.

Many of the appearances which have been alluded to are of constant occurrence in the United States. In the auriferous region of this country the course of the principal productive veins is from northeast to southwest.

Where metalliferous veins abound, red earth is usually found in great abundance. It seems to have a constant connexion with them. It is very much the case in the United States, is general in Mexico and in Brazil. In Spix's* account of this last country, it is stated that the granite hills, both on the coast and in the interior, are "covered by a pretty thick stratum of a red ferruginous clay." The same deposite of red clay is found in the lead-mining district of this country, near the surface of the earth. Upon the occasion of my visit to the Misssouri mines in 1834, I was exceedingly struck with the appearances which presented themselves in a gallery† upwards of one hundred feet from the surface, and which was below the surface by at least ninety feet of the rock formation. There the broad veins of bright galena were increased in a thick wet paste of red argillaceous matter, cutting with a waxy aspect. In one of the pockets, about forty feet from top to bottom, and about the same width in diameter, the cavity was filled with this red clay, except at the bottom, which was occupied by a large plate of galena, that seemed to have sunk there by its own gravity. Although some of the red soil of the metalliferous districts of the Southern States may be derived from the decomposition of ferruginous slates and rocks, a great portion of it may have been brought to the surface from situations analogous to those where it is found incasing the sulphuret of lead in Missouri.

In the United States both copper and iron are associated with the gold, especially the last. In the galeniferous districts the lead is found associated with zinc, and is usually confined to the carboniferous limestone. Some of the metals, however, which are usually found in veins, form occasionally a constituent part of the solid rock: thus, tin is incorporated with the granite in England; and the sulphuret of lead in Missouri, at Mine la Motte, is sometimes disseminated for a great extent in specks through the rock, as though the stony and metallic matter must necessarily have been deposited at the same time: for, as I stated upon a former occasion, if either of them were abstracted, no principle of adhesion would be left for the remaining mineral.* Very little attention appears to have been paid to this circumstance, which, as respects the origin of rocks, deserves some consideration. If such strata as the carboniferous limestone, bearing galena, were deposited by water, how came the metal to be so singularly suspended in and intermixed with the stratum, when, by the law of gravitation, it should be found separated from the calcareous matter? I have seen in the gold region of this country deceptive veins, which have been the occasion both of disappointment and litigation. Veins, apparently very rich, have suddenly been stopped by slates coming in below. Upon examination, these turned out to be flat veins, or the overflow of true veins, as trap is sometimes known to come up vertically, and overflow to the right and left.

The successful pursuit of the art of mining for the metals which have now been mentioned, essentially depends upon the application of some scientific information. The want of a proper degree of information on this subject has occasioned hitherto, in this country, as it did heretofore in olden mining countries, the rejection of many valuable minerals, from ignorance of their natures, to say nothing of the losses sustained by the rude and unskilful manner in which the mines are often worked. There are instances in Cornwall of silver and cobalt having been thus thrown away from a mine which, since the discovery of their value, produces £10,000 sterling a year from the same ores. The mines of Missouri have been worked a long time, but it is only recently that cobalt has been observed there. Whilst Cornwall was esteemed only as a tin country, the copper ores were considered to spoil the vein, and were used to mend the roads; and in Derbyshire, a public road has actually been taken up, and smelted profitably from the rejected lead ores that had not been in familiar use. It is the cultivation of geological knowledge that has led to so much minute investigation of the nature of veins, and to that proper degree of chemical information which has redeemed the mining interest from the rude management of the common miner, and introduced those truly economical practices which are only united by science and experience.

An opinion once obtained that below a given depth the veins ceased to be productive; tin, from twenty to sixty fathoms was supposed to be most abundant, and copper from forty to fifty. This has become a speculation of some importance to the gold mining interest here, some of the mines having been abandoned because the veins seemed to fail even at twenty fathoms. Of late, the mines in Cornwall have been worked at very great depths, with the best results. being a few years ago in the Botalloch mine, in that country, I found them working in a copper vein at the depth of 950 feet, which I was informed was the best ore they had yet met with. Others, such as the consolidated mines, are worked in England at a depth of more than 1,600 feet; and one of the continental mines, the Kits Pühl copper mine, in Tyrol, at a depth of near 2,800 feet. Reasoning from analogy, it would seem a hasty proceeding, after expending a capital in mining machinery, to abandon before a depth of at least 500 feet had been investigated. If the mineralogical structure of the mines was totally different from that of the older mines, there would be greater grounds for apprehension, working in the face of an unknown state of things, but the analogical structure of the metalliferous rocks in both hemispheres holds out every encouragement to the mining interest in this: the veins are found in the same kind of rocks, and have nearly the same magnetic direction. In the gold countries the mass of the veins is usually quartz, bearing visible native gold, and associated with iron, as well as gold in a mineralized state, with that and the quartz when invisible. In the gold of the

* Vol. 1, page 251.

† Taplit and Perry's mines.

* Report 1835, page 48.

United States, these veins are easily distinguished, consisting of extended lines of white quartz running on the surface in a direction from N. N. E. to S. S. W., and frequently with an almost vertical inclination. In the great geographical extent of that region here, many portions of which are yet unexplored, there may be rich deposites contained in mineral masses of a different character, as is the case in Brazil, upon the Gongo Soco estate, of which a brief description may be useful.

The gold in this locality has been occasionally so abundant, that 140 pounds have ben extracted in one day. The bed in which the gold is found is called *jacotinga* in the country, and rests upon a ferruginous talcose slate resembling that of various localities in Virginia. The jacotinga itself consists of quartz and micaceous iron, and the whole mass is in a somewhat soft state of decomposition. It has a direction from east to west, and is of a variable thickness, with a limited extent. Towards the centre of this bed, a subordinate bed or vein is found, of a brownish-black color, of a softer quality than the general bed, and more or less distinct from it. It is from three to six feet in thickness, and consists of layers of manganese from thin lines to two or three inches in thickness, with talc and iron glance in irregular strings and nests. It is in these dark-colored layers of manganese that the rich strings and bunches of native gold are found, which is also invisibly disseminated among the layers.

When the auriferous region of this country shall have been more generally examined, other associate metals may possibly be discovered. In the Ural, platinum has been abundantly found, but more generally on the western or European side; the gold washings on the Asiatic side giving comparatively a small quantity of platinum. Baron Humboldt also states that the Cali chain of the Cordilleras, in South America, separates the gold-bearing sands of the eastern declivity of Popayan from the sands of the isthmus of the Raspadura of Choco, which are rich in platinum as well as gold. These analogies are interesting to this country. Engelhardt remarked, when in Russia, that the sands of some of the platinum mines resembled those Brazilian sands in which diamonds were found. Humboldt subsequently perceived the same resemblance; and in consequence of his suggestions, a search was made, and very fine diamonds discovered: so that the Ural mountains, which bear a strong resemblance to portions of the gold region of the United States, produce gold, silver, platinum, and diamonds.*

The carboniferous limestones are the next metallic depositories, both in Europe and the United States, of which some account was given in my report of last year; and as it will occur to me in another part of this report to speak of the coal measures of the United States, with their associates, salt and iron, I shall pass on to a brief review of the organic remains found in the beds which have been enumerated—a subject of the highest moment, replete with phenomena which serve to prove that the succession of strata produced by such various and wide-spread convulsions as would seem to belong to the chaotic energies of a system of destruction, are the progressive steps of a most singularly beautiful plan of creation, in the study of which we may not only advance our personal interests, but acquire for ourselves an elevation of mind still more valuable.

An opinion formerly obtained that there was a point in the ascending series of rocks at which the evidences of a commencement of organic forms was to be found, the earth passing, by transition as it were, from an inorganic to an organic state. This appears to have been conjectural. It is true, calcareous matter, so essential to organization, is comparatively scarce in the primordial rocks, and only begins to abound where organic life appears. The high temperature of the planet before the deposition of the stratified rocks, would preclude, perhaps, the possibility of organic existence, and we may, therefore, naturally expect to find the evidence of it first in beds deposited from water, where the temperature, though high, would be tolerable, and where the means of self-preservation and perpetuity of kinds would not be wanting; but it is no longer pretended that the first rudiments of organization have been observed, or even that we know what they were. There are observations, however, of importance to be made on this subject in the early periods of stratification. If primordial rocks of the same kind, separated by the greatest geographical distances, have the same species of crystallized minerals imbedded in them, we also find organic affinities very general in the older stratified rocks, from whence the inference may be drawn that the influences prevailing at these two periods, though distinct, were general to the planet. At an older period of the history of the planet, we do not find this to be the case: the increase of genera and species seems to mark great changes in the temperature, as well as in the surface of the crust of the earth, as it gradually emerged from the water, and approached more to the present order of nature. Although we cannot say that we have any evidence in the rocks of the germs of organization, yet the fossils of the first great transition group, as it has been called, appear to be the types of what have succeeded to them. The crustacea of that period naturally fall into the class of their order which has been established from recent genera, as well as the prodigous abundance of madrepores and corallines, whose structures in those ancient geological times were apparently reared with the same instinctive designs, and principally by the same genera of which we have evidence in the reefs of eastern Polynesia.

The *crinoidea* also, or encrinites, now nearly extinct, are abundant. In these ancient times this family, as if less exposed to destruction from the existing state of organization in the then seas, had their soft parts but slightly protected, whilst in the succeeding formations in the older groups, where the predacious classes increase in number, they are much better secured. The sole species now existing, the pentacrinite, agrees with these last in its more perfect osseous structure, which still seems to have been insufficient to protect the family.

The beds of this group also contain fine specimens of another family which appears to have become extinct at an early period of the secondary rocks. These belong to the genus *orthocera*, a long, straight fossil, consisting of various chambers, with a siphon or tube, by the aid of which the cephalopodous animal is supposed to have been able to pass from the top to the bottom of the sea at its pleasure; resembling in this the ammonite, another concamerated shell, not straight but spiral in its form, and which, with other

* A late paper by Sir David Brewster, in the Transactions of the Geological Society of London, vol. 3, part 3, on "the structure and origin of the diamond," brought to my recollection a note which Professor Del Rio sent me some years ago, of which the following is a translation:

"I was shown, towards the end of 1822, two small diamonds, which were stated to be brought from the environs of Sultepeque; that is not exactly their locality, but it is upon that route. In truth, D. Vincente Guerrero found in the Sierra Madre, in the south of Mexico, upon a height of land distant a day and a half from Totela del Rio, in descending by Coronilla, some geodes, with amethyst and rock crystal in their interior. These geodes were smallest towards the surface, and only became larger in digging deeper down. On breaking these geodes, true octohedral and dodecahedral diamonds were found in some of them, resembling those of India and Brazil. I am not too credulous, but I have been assured of the fact by persons who deserve to be confided in. This unexpected manner of finding diamonds becomes the more remarkable, because the geodes are not found disseminated in the loose soil, but are imbedded in a hard and stony mass, rendering it necessary to get them out with pickaxes and crowbars."

Mr. Del Rio subsequently informed me that General Guerrero had personally confirmed this account to him, adding, that the geodes containing the precious stones rattled when shook; but he had never been able to ascertain, from any quarter, the geological character of the bed containing the geodes. The late Dr. Voysey states the matrix of the diamonds in southern India to be a sandstone breccia, of the clay slate formation, which may be the case with this Mexican locality. I have frequently written to Mexico without obtaining any satisfaction on this subject.

concamerated shells, is found in the limestones of this lower group.

The *trilobite*, a singular marine crustaceous animal, is a fossil almost peculiar to the period of this group, since it appears to have become extinct in the early part of the deposition of secondary rocks. Some of the lower slates are covered with their impressions, showing that the same species lived and died in the same localities. A great variety of forms belong to this family, and new genera are constantly being discovered; perhaps some of them, as the agnostus pisiformis, may be the young of another kind, before the change of form. Some of the species are found identically diffused in very distant parts of the earth.

The bivalves of this group consist of a very preponderating number of the brachiopode family, the producta, spirifera, and terebratula. The fossiliferous beds of this group are generally, in all parts of the world, characterized by these shells, and sometimes almost entirely consist of them. The spirifera receive their name from one kind having a spiral structure inside, which is calcareous in calcareous fossils, and siliceous where, as frequently happens in the calcareous beds of the United States, the fossils are entirely siliceous. The producta appear to have become extinct before the deposition of the oolitic system, and the spirifera only to have been continued into the first beds of that series. The terebratula have survived them both, and exist now as recent shells. The *cardia*, likewise having a strong resemblance to existing shells, are contemporaneous with the last.

All these families of marine fossil remains are found in this lower group in the United States. In the lower limestones of the Shenandoah valley, in Rockingham county, both trilobites and ammonites are found. Near Kingsport, in Tennessee, orthocera abound in the same formation, as well as other spiral concamerated shells. At Trenton falls, in the State of New York, fine specimens of trilobites are collected. A great number of localities might be added.

Mr. Agassiz, in his work,* gives admirable figures of the fossil fish found in this group. In this remarkable production, the author has begun to throw light from another source upon the history of the ancient ocean, which harmonizes with every other branch of organic existence. Of the four orders of fish established by him, the two first, *placoidians* and *ganoidians*, exclusively occupy the groups below the chalk. It appears that the vertebrated animals of the waters of that period belonged altogether to a class which constitutes a very small portion of the existing ones. The fishes of this period, all of which preceded the saurians, show an approximation to their structure, as if nature was preparing for them. Those long pointed substances called ichthyodorulites, which are also found in the lowest parts of this group, Mr. Agassiz considers to have belonged to a large shark-like fish. This ancient period, therefore, instead of being almost devoid of life, appears to have possessed the types of a great portion of the different orders of marine animals now existing, the individuals of which were all perfect in their structure for the ends they were intended to accomplish, and had a sufficient analogy to what exists at present, to warrant the opinion that they were amongst the steps of a general plan of progression, accommodated entirely to the then existing state of the surface of the planet, and only preceding others, which further changes in the surface would call into existence.

Nor was this group, which includes all the anthracite beds, without its proportion of dry land, as we find from the vegetable remains accompanying that carboniferous deposite, and which have a common character both in North America and Ireland. The *equisetaceæ*, or horse-tail tribe, not of the limited height of recent plants of this family, three or four feet high, but many of them equalling forest trees in size. A preponderating number of *filices*, or the fern tribe, both herbaceous and arborescent. The *lycopodiacea*, or club-moss tribe, there also attained a size equal to existing forest trees, whilst their puny recent representatives are seen creeping, as it were, in a moss-like form, not more than two or three feet long, over the beds where their gigantic predecessors are entombed. All these plants are closely allied to the ferns and fernlike plants which grow in such luxuriance in the hot and moist situations of tropical climates, especially in small insular localities, and which are never found out of the tropics. These are amongst the first and decided evidences we have that the climate in those remote times must have been of a constant high temperature, far exceeding any thing known to the present order of nature, and equally humid, for these immense plants of a tropical growth, which, also, with occasional palms, form the great mass of the fossil plants of the bituminous coal measures, are found in a fossil state in very high northern latitudes, and under circumstances which prove that they grew there. Coniferous plants also have been found, showing that the low regions had their elevated countries, like the tropical regions of our own times.

Taking fossils for our guide, the carboniferous limestone, millstone grit and shale, and the bituminous coal measures, may be viewed as the upper part of the group which has been considered, on account of the strong generic resemblances of their organic remains; for although the trilobites, the producta, and some other genera become less abundant, there is a surprising increase of the zoophytes and radiaria, many of the beds being entirely composed of corals and encrinites. The environs of Nashville, in Tennessee, where the genus asterias has been found, the rocks of the falls of the Ohio at Louisville, and the shore of the Mississippi between Herculaneum and St. Louis, are amongst the richest localities for fossils of the carboniferous limestone.

Looking, therefore, at the whole of the fossiliferous beds hitherto considered, the student of ancient nature can here contemplate a spectacle of the most surprising character, and of which no pursuit but geology could lead to the disclosure. He sees the types of much of what exists in the present order of nature in the rocks that bear the first evidences of organization, and inferring from the resemblances what their probable habits were, he can, with the aid of contingent observations, decide upon reasonable grounds where were the deep and where were the shallow places of these now petrified oceans. Turning to the land, he sees the proofs of a luxuriance of vegetation unequalled by any thing in modern nature, yet in strict harmony with natural principles: still the evidences of terrestrial animals, for whose use plants are supposed to grow, are wanting; but he is satisfied to believe they might then not have been called into existence, and that an extent of vegetable growth, of which we cannot form an adequate conception, was intended solely for the accumulation of those carbonized deposites without which our own race must ever have remained in the most rude and comfortless state.

The next great group of organized bodies may be considered as extending to the tertiary, and is, as has before been remarked, with some exceptions, deficient in the United States, but in Europe it discloses organized forms of a character that almost places them in the regions of romance. Although some changes are observed, the general progression is going steadily on. The belemnites take the place of orthocera, to which they are akin in structure; ammonites begin to appear in great abundance, especially in the oolitic system, the floors of some of the beds of the lias and Oxford clay being sometimes found studded with them, furnishing a certain key to the identification of rocks. Trilobites give place to other crustacea, the astacus,

* Recherches sur les Poissons, Fossiles. Newchatel, 1835.

or representative of the recent cray fish. The fishes are continued in this group belonging to the same orders as the last, but the species of the successive formations are always distinct. The saurian reptiles now begin to appear. The monitor is found before the deposition of the oolitic series, together with various saurians in the beds which precede the lias. Here we find an astonishing quantity of these voracious animals, allied to those crocodilean reptiles which frequent the bays, the estuaries, and the rivers of our own southern latitude. Various species of the *ichthyosaurus*, some individuals of which have jaws near nine feet in length, with strong paddles to enable them to go through the waters. This animal, to the vertebra of a fish, unites the head of a lizard and the powerful teeth of a crocodile. The *plesiosaurus* is another monster, with the head of a lizard and a singularly long neck, which at one time it was supposed to carry after the manner of a swan in the shallow waters near the shore, but which it perhaps projected in the water rather after the manner of a serpent. This animal also has paddles. But the most curious, because we have nothing which resembles them nearer than the vampire bat, is the *pterodactylus*, a saurian animal, with extended membranaceous wings; this is the first decided case of an aerial animal, and, like the rest, was undoubtedly of the voracious kind. The smaller skeletons of these animals are usually found in the lias, much flattened from the great pressure upon them, but often entire, with even the fæces in the visceral region, as if they had been surprised by a violent and sudden death from some extraordinary convulsion which had happened, and in the consequent results of which their remains had been immediately enveloped and preserved. The fæces, or *coprolites*, as they are now termed, have been analyzed, and their true character ascertained. In most of them, the scales of fish are found, and in some the undigested remains of the young of their own kind. Notwithstanding the immense period of time they have been entombed, some of the teeth and bones of these animals have yielded about 50 per cent. of phosphate of lime. A great number of species of these saurians occur, besides other genera which are not mentioned here. The saurian remains of the United States have been hitherto fragmentary, and belong to the subcretaceous beds. This group is also further remarkable for having produced the first unquestionable remains of terrestial mammalia, in the didelphoid quadruped, as it is usually termed, an extinct species of opossum, first found in the slaty oolitic beds of Stonesfield, in Oxfordshire, lying beneath the cornbrash. Some doubt was formerly expressed on this subject, but the multiplication of specimens of late, many of them in good preservation, have decided the question.

The wealden group is too remarkable to pass over. It consists of a series of strata of limestone, sands, and clay, deposited from fresh water, enclosed as it were between formations of marine orgin. The fossil shells found in it are analogous to the shells now living in fresh water, such as cyclas, unio, paludina, and melania, with the exception of some that can live in brackish waters. In the Purbeck beds a stratum of oyster shells occurs in the midst of a series of other strata, some exclusively containing fresh-water shells, and others a mixture of both fresh-water and marine. These beds are not only extremely interesting on account of the very rare nature of some of their organic remains, which form the greatest ornaments of geological cabinets, but on account of the illustration they furnish of the changes of level to which strata have sometimes been forced by geological movements, as well of the fact that each stratum has in its turn been the bottom of the waters, whether marine or fresh. In the Isle of Portland, a small tongue of land which projects into the English channel, near Weymouth, a fine building stone is quarried, which is of undoubted marine origin, and of course was once the bottom of the sea. We have the perfect evidence of this ancient floor of the ocean having been uplifted beyond its level, in another bed, superincumbent to the marine one below, containing the remains of an ancient forest of cycadeæ. The stratum in which this forest grew, extends through a considerable area in England, and has been recognised on the opposite French coast. The trees, now silicified, are in many instances buried in a black earth, in which they grew, which is about a foot thick, and is called by the quarry-men "dirt-bed." Some of the trunks of the trees are thirty feet long, and have a diameter of three or four feet. Stumps, also, from one to three feet long, separated by the usual distance at which forest trees grow, are there in abundance, with their roots struck into the black dirt; these stumps are also silicified. At Ludworth cove (see diagram No. 9) these beds are at an inclination of about 45 degrees. The thickness of this bed of black earth furnishes some measure, though of an indefinite kind, of its duration, since it must be considered as an accumulation of vegetable matter formed subsequent to its elevation from the sea. Granting to the forest lands of the United States the entire duration of our own chronology, they do not show evidences of having accumulated vegetable matter to that extent, and allowing for the luxuriance of vegetation consequent upon the ancient climate, a very long period may at least be conceded for its accumulation. But the terrestrial level of this bed was again changed, and a basin-like form given to it, for the collection of fresh waters, which at various periods have deposited lacustrine sediments, 1,000 feet thick, including the whole wealden group. During the existence of this lake, a new race of monstrous reptiles appears—the *iguanodon*, which, from the organic remains collected, appears to have abounded there. Mr. Mantell, the discoverer of this fossil animal, has named it thus from its analogy to the recent iguana, which is an omnivorous animal, and, from various fossil bones he possesses, has made a comparative proportional estimate of the probable size of the individuals of some genera of which they formed a part, and it has resulted that they were seventy feet long from the snout to the end of the tail, were near fifteen feet in circumference, and that the tail was upwards of fifty-two feet long. Besides this animal, the megalosaurus, with more than one species of crocodile, and various fresh-water fish, were inhabitants of the waters. The generations of these animals were, however, to cease, for we find these fresh-water strata changing their character and becoming the floor of the ocean, the whole cretaceous group, of marine orgin, and about 1,000 feet thick, being deposited upon them. This was probably produced by a reaction of the cause which first elevated the whole area, and afterwards depressed it so as to give the ocean once more dominion over it. The wealden group, a great part of which is in our day a portion of the earth's surface, furnishes most instructive proofs of the changes of level to which the land was subject in ancient times. In these particular instances, they seem to have been accompanied by no violence, and no evidences of great abrasion being present, the movement would seem to have been a quiet vertical one, up and down; for the high inclination of the beds at Lulworth cove appears to belong to another movement, which took place subsequent to the deposition of the chalk, and which threw the thick beds of the Isle of Wight upon their edges, in the manner that the oolitic beds of the Alpine chain are represented in diagram No. 7. In the cretaceous group, most of the organic remains are marine; marine plants, corals, and sponges abound. New genera of fish are found in the chalk, with the mososaurus and turtles. Some of the chalk fossils are extremely beautiful.

In regard to the vegetation of this secondary period, a change is perceived even in the new red sandstone group. The cryptogamous plants of the ancient period become less

numerous and of diminished size, as if the temperature already was abating, whilst the coniferous or fir tribe begins distinctly to appear. In the beds of the oolitic and chalk formations, this last constitutes a very large portion of the vegetation. Of the cycadeæ, several species of zamia occur amongst the imperfect coal seams of the lower series, and constitute a forest, as has been before shown in the wealden group.

The tertiary order extends, in a surprising manner, the progressive advance towards the present order of nature, as has before been noticed in the remarks on Mr. Lyell's arrangement; changes of level appear to have been frequent, marine and fresh-water beds alternating. Lacustrine remains increase, and show that dry land and fresh-water streams were giving a new character to the earth. In the lowest part of the group we have the first evidence of varieties of terrestial mammalia, the bones of palæotherea, and other genera, imbedded in gypseous matter, apparently derived from springs charged with sulphate of lime.

It was the admirable memoir of Cuvier and Brogniart, of 1811, unequalled in interest by any work except Buckland's account of the Cave of Kirkdale, which announced the discovery of these extinct quadrupeds in what has been called the Basin of Paris, that first drew public attention to the importance of zoological geology: nor could there be a more happy coincidence for this science than that, whilst in the immediate vicinity of one of the largest European capitals, some of the rarest monuments of the ancient world were laid imbedded and unnoticed in the common quarries of the country, two individuals should be residing there singularly fitted by their attainments and genius to comprehend and explain the true character of these palæotherea, and the geological period of their existence. The Rev. W. D. Conybeare, one of the soundest philosophers and most attractive writers of the age, in his "Report on the progress, actual state, and ulterior prospects of geological science," says that Smith's original observations respecting the distribution of organic remains were received with indifference, "until the high scientific distinction of Cuvier, and the striking and interesting nature of the facts developed in his brilliant memoir, excited a marked sensation, and commanded the general attention of men of science; for none such could peruse with indifference those masterly descriptions, which exhibited the environs of one of the great metropolian cities of Europe as having been successively occupied by oceanic inundations and fresh-water lakes; which restored from the scattered fragments of their disjointed skeletons the forms of those animals, long extinct, whose flocks once grazed on the margins of those lakes; and which presented to our notice the case of beds of rock, only a few inches in thickness, extending continuously over hundreds of square miles, and constantly distinguished by the same peculiar species of fossil shells."

But as these new genera come on the stage, the saurian reptiles disappear, and are replaced by crocodiles coming near to existing species. Ammonites and belemnites cease, and the buccinea begin to increase. Many of the fish in the lower part of the group are now extinct, but the greater part of the genera approach the living ones, and are most analogus to those now found in the tropical seas. The mastodon, the elephant, and the rhinoceros, appear in the upper formations, as well as on the existing surface, both in Europe and America. The vegetation of these periods is the converse of what it appeared to be in its dawn, dicotyledons, or plants having bark, wood, and pith, being the most numerous, and cryptogamous plants, without sexual organs, being least in number, in accordance with the present order of nature.

In looking over this imperfect, but still faithful, as far as facts are concerned, sketch of the geological state of the planet, the student will perceive the elevated character of this science, furnishing, as it does, such conclusive reasonings for natural theology. In all these phenomena we see the evidences of design. If we try them by physical laws, the spheroidal form of the earth reveals to us its once fluid state, and chemistry informs us it was igneous fluidity. Here we see the truly magnificent means provided for causing "the dry land to appear," through the once circumambient waters of the globe. Every new exertion of this subterranean power is a page in its ancient history, and as history shows the beginnings of nations and their progress onward to civilization, so does each additional formation of rocks, with its imbedded fossils of distinct species, from the earliest zoophytes to the elephant, show the design of creation was a progressive one, whether we look to the aquatic or the terrestial organic bodies. For those ancient remains do not consist of forms and of a structure so strange as to separate them entirely from the more recent acts of creation; on the contrary, the earliest which appear are the types of all which succeeded, entering naturally into all the classifications which have been devised for the illustration of the present order of nature. Of this progression clear proofs have been adduced in the preceding pages. In the lowest group we have seen that the fossils were all marine, and consisted of corallines, encrinites, bivalves, concamerated and other molluscous shells, extinct crustacea, and fishes of a voracious character approaching the saurian family. Such a state of ancient zoology is in perfect harmony with that condition of the earth's surface which we deduce from other considerations. The ocean, though not deep, as it is now, constituted almost every thing; dry land was comparatively rare, together with rivers, bays, and fresh-water estuaries, the proper haunts of the saurian race. Still land existed at the latter period of this group, as we find by the associate plants of the anthracite coal beds, which themselves belong exclusively to a low degree of organization. During this period we find generic resemblances very common in all parts of the world, the evidence of a common temperature. In the next group we find strong resemblances to the first, in organic remains, but with a character both generally and specifically so distinct as to admit of an undoubted recognition of the beds of the group in whatever part of the world they may be found. The saurians, the pterodactylus, the monitor, the crocodiles, the iguanadon, the deposition of extensive fresh-water areas, the existence of tropical forests, of the bituminous coal measures, the changed character of the fish, the existence of fresh water streams and lakes, and a gradual approximation to the present superficial arrangements, show a very great increase of the land. These changes of elevation were necessarily accompanied with increased depths of the sea, and the consequent introduction of numerous genera, with appropriate habits, not before noticed. We find, also, in the lower part of this group, important deposites of salt. Before these greater depths of the ocean had been produced, its mean depth was more equally distributed over the surface, and it is not difficult for us to understand how fast beds of rock-salt might, under such circumstances, be formed, by the evaporation of the waters of a high temperature. In Europe the salt is usually found distributed above the coal measures, but in the United States it is uniformly found lower down. In both countries, however, the saline deposites generally approach, and indicate a common origin, as if bodies of salt water had existed in such situations, perhaps in some cases insulated, as to produce their evaporation. Superficial incrustations of the same mineral are now found in various parts of the west of Arkansas, caused by solar dessiccation of the natural salines. In the tertiary group, the fossils are equally characteristic of the beds of the group in every part of the world, receding in affinity from all previously examined in proportion to their periods, but united by a common plan and analogy. A slight acquaintance with the fossil shells of the tertiary strata, will en-

able any individual to identify the beds. Here the ammonites become extinct, and cones and volutes begin to abound. Although it may be asserted that the various fossiliferous strata contain characteristic organized bodies by which strata can be identified, and of course which separate them from other strata, yet it is not to be expected that all the fossils of equivalent strata are identical in all countries, although some of them are, as is the case with many living species in both hemispheres. Whilst congeners in age and in fact, their forms are influenced by physical laws, and particular species are necessarily geographically limited by climate and food. Where these are favorable, all the species having a close affinity to each other may be found;* and where climate and food are not favorable, animals of the same species may be expected to present a marked difference in their external characters. The fine horse of Arabia, which is cognate with the zebra of Africa, is a dwarf variety in Shetland, where climate and food have limited its stature and even its functions so much that the mare only breeds once in two years. This variety of external configuration is common to the mollusca, which differ almost at every point of a coast, as we see from the great variety of the forms of oysters; the same may be observed in the unio of fresh waters, where those of the same kind affect the same kind of locality. If such laws influence animals and plants now, we may reasonably suppose them to have influenced them in geological times, under similar circumstances. Of this general adaptation of causes we have singular evidences in the tertiary group: the surface of the earth being at length brought into a new and appropriate state, we find quadrupeds, and of various kinds, beginning to multiply, all of them, however, no doubt suited to the temperature, which appears from the fossil vegetables found in high latitudes to have still had a general tropical character. We find the elephants of our own period thus accommodated to particular regions, that of the arctic circle, as well as the rhinoceros, being prepared with a fleecy covering. But although about one-fourth of the superfices of the globe has become dry land, and that abundantly fitted for every class of terrestial animals known to us, yet most important races continue to disappear, not the species only, for with the exception of some found in the tertiary, all the species in whatever strata found are extinct. The palœotherea and the mastodon are extinct everywhere; and the elephant, whose remains we find scattered over this continent, is extinct here also. The mastodon was common to America, to Asia, and to Europe, and we know nothing of the causes which could have produced its universal extinction, if they were not of the diluvial character. Its bones have been found here mixed up with those of the elephant, and the megalonyx, in deposites brought together no doubt by local floods. In other instances skeletons have been found nearly entire, buried in lacustrine marls of a late period, and in one instance a skeleton was found not quite covered up on the surface. They appear to have existed during the present order of nature, but in no instance have we any evidence of their being contemporaneous with what may strictly be called the historic period, no vestige of any thing which has any relation to the human race ever having been found mixed up with their remains.

One of the circumstances which makes this science so interesting to all reflecting beings, is, that in no deposite, whether of gravel, of sand, or of clay, whether in caves or in streams, have any human remains ever been found, that were apparently connected, in the most remote manner, with any of the geological periods which have been reviewed. These have disclosed to us surprising instances of progresive advance in organic structure, adjusted to the gradual changes produced in the level of the ocean and the consequent increase of dry land. But what crowns the consideration of this lofty and attractive subject is, that, reverting from these imbedded records of creative power to ourselves, the full evidence seems to be before us and around us, of a providential preparation for the reception of our own race, and of our being placed here at an appointed time; not like the animals, with a capacity for self-preservation only, but of rising to that sense of the responsibility we exist under to the universal Creator, which may guide us to another existence when our bodies are consigned to the common receptacle of organic nature.

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*Reconnoissance from Washington to the Coteau de Prairie.*

Trusting that the explanation of geological principles which I have given in the preceding pages will enable uninitiated readers to comprehend more easily the unavoidable technicalities of geological descriptions, I proceed now to a relation of my reconnoissance, during the past season, from the seat of Government to the Coteau de Prairie, a ridge of high prairie land lying between the Missouri and the Minnay Sotor Watapah (as it is called in the Nacotah or Sioux language) or the St. Peter's river. Desirous of making the opportunities for observation which would occur on my route to Green Bay as interesting and useful to the country as circumstances would permit me to do, I determined to follow the valley of the Potomac into the great Western bituminous coal field. To this I was induced by various considerations. This route would lead me along the line of the Chesapeake and Ohio canal, a work which deserves to be considered of great magnitude, as well in relation to the extraordinary difficulties which have opposed themselves to its construction, the amount of capital involved in it, in which the Government is so deeply interested, and the real state of the resources of the country through which it passes, upon which a dependence is placed for the eventual indemnification of its cost. The inspection of this valley could not but be favorable to a correct apprehension of the geological structure of the country from the falls of the Potomac towards its sources: the natural sections on the river were numerous, and the works on the canal had laid open many others, so that any one who had before traversed this region by land, with sufficient leisure to note the most interesting features of the mineral formations, could not but receive an instructive lesson on a line where the formations are so repeatedly laid open as they are on the banks of this river. Washington and Georgetown are immediately underlaid by the gneiss, and in the environs of this last place, especially along the line of Rock creek and on the canal, evidences are already perceived in the alternate southeast and northwest dip of the rocks, of that extensive anticlinal movement by which all the rocks along the entire line of the Potomac have been affected, as high up as the great bituminous coal field. In the various localities here, where the rocks are exposed, the true dip of the rocks is so contradicted by the cleavage, that great and patient attention is required to distinguish between that and the stratification; but there are some instances on the canal, on leaving Georgetown, where the southeast dip of the gneiss is sufficiently clear; after some distance the strata become fissile, with large veins of quartz, are elevated into an almost vertical position, and then dip to the northwest, at a very high angle, as far as the Great Falls. On approaching the falls, the bed of the river presents a singular spectacle: sharp, isolated masses of dark, glossy micaceous slate, turned upon their edges, lie bare for a great distance, and occupy a large area, resembling the

* Since calcareous matter is necessary to testaceous animals, we must infer that a change in the mineral nature of their beds would be inconsistent with the prosperous existence of any animals unsuited to it: hence we find the greater number of fossil shells in limestone beds, and in calcareous sandstones and shales; very few comparatively are in the pure argillaceous shales, which were probably the ancient muddy bottoms of the waters. It follows from this reasoning that we may expect to find, as we generally do, the same class of animals in the same strata.

breakers of a boisterous sea suddenly petrified. But the river has long ago abandoned this part of its bed, whilst the proof of the rocks having been reduced to their present state by its former action, is abundant in the immense quantity of pot-holes in the rocks, some of them two or three feet in diameter, occasioned by the whirling motion of fragments of quartz or other hard mineral matter, in depressed parts of the slate, which, when continued a long time, make very deep holes, as may be seen in the beds of all rivers where the water is low and runs quick. This perforating process is one of the causes of the destruction of strata upon a large scale, the holes becoming so deep and numerous that at length the floods have strength enough to disintegrate the strata, and subsequently break up the fragments. In long periods of time, water has power to wear its way through the stoutest mineral masses, and I know of no place which affords a better study of the power of water to deepen its own beds, than the singular area I have mentioned, as well as the falls themselves, which are amongst the most picturesque localities of this country.*

A little further to the westward, the slaty rocks again dip to the eastward, and are occasionally almost vertical, become contorted, and vary in color. At Seneca creek the soil begins to be reddish, and on the west side a soft red sandstone comes in, the beds of which appear horizontal from the canal, but upon examination have a regular anticlinal structure. Seams of loose red shale abound between the strata of sandstone; specimens also of anthracite coal have been obtained from this neighborhood, the nature of which, not having been well apprehended, has induced some persons to suppose that this locality might be a continuity of the Chesterfield coal field of Virginia. It deserves a remark that the red shale is a constant concomitant of the anthracite coal of the Alleghany system. A few miles from Seneca creek, and 24 miles by the canal from Georgetown, the strata dip again to the westward. At Mr. Lee's quarry, from whence valuable slabs are obtained for the public works at Washington, fine casts of calamites, with impressions of other plants, are found. Seams of red shale separate the beds of sandstone occasionally; carbonate of copper is frequent, and small veins of anthracite coal. The country for the next fourteen miles presents fine slopes and levels, and is occupied for agricultural purposes, when an anticlinal ridge of soft red shale comes in upon the river at right angles, dipping to the southeast. About five miles before reaching the Monocacy river, a calcareous breccia, coming in from the northeast, the same of which the columns in the legislative halls of the Capitol are made, appears in the ridge, alternating with the red shale in broad seams, and in many places mixed up with it. It is quite apparent that the breccia and the shale have been contemporaneously deposited. Thirty-eight miles from Georgetown the ridge is about eighty feet higher than the canal, and still dips east, but the breccia soon discontinues, and the red shale presents a more horizontal appearance, when the ridges cease, and a small valley occurs, until, at forty miles, the country rises into a ridge again of red shale and sandstone, still with a southeast dip. At forty-six miles and a half, the ridge is distant about two hundred yards from the canal, but shows a good section dipping to the west. At forty-seven miles the breccia comes in again in broad seams, dipping to the west, and unmixed with any other rock, although the pebbles are in many instances set in the red shale. As this breccia is one of those geological phenomena which explains in a most satisfactory manner the nature of the causes which have in ancient times modified this portion of the surface of the earth, I shall revert to it after pursuing the line of the river somewhat further to the northwest.

At the Point of Rocks, forty-eight miles from Georgetown, the Potomac issues from the Cotoctin mountains, which form the eastern flank of the Atlantic primary chain. This chain, mineralogically considered, is a mass of primary slates, sandstones, and quartz, having a north northeast direction, and running, with a breadth of about fifteen miles from its western to its eastern flank, through an extensive area of limestone. Geographically considered, it consists of two ranges of hills, divided by the Middletown valley, the westernmost of which, in this neighborhood, is called the Blue ridge, and the eastern one the Cotoctin mountains. On arriving at these last, a remarkable change takes place in the aspect of the country; mountainous masses, formed of many varieties of primary slates, exceedingly contorted at times, but with a general dip to the east, break through the common level. At Harper's Ferry, twelve miles further, these slates, which rise to a very lofty mural escarpment of eight or nine hundred feet, dip almost in every direction; sometimes the seams appear to form round nodules of one hundred feet in diameter, often are vertical, then again become concentric. The whole mass is in a state of great confusion, which is increased by the cleavage, here exceedingly deceptive. One mile, however, further west, the laminæ of the slate become thin and numerous, and show the true dip, which is easterly. This is confirmed by the edges of the beds in the Shenandoah at low water. A few miles beyond this point, the character of the country again changes, the slates disappear, and we come upon vertical laminæ of limestone, which, somewhat further on, dip to the west.

Reverting to the breccia, and with a view to give a more satisfactory explanation of it, I shall now trace another sectional line, parallel to the one which has been described, but reversing the direction, and descending the country from northwest to southeast. By following the edge of the limestone spoken of as lying in vertical laminæ, the traveller comes upon Boonsborough, in Maryland, a town which stands upon the western flank of the Blue ridge, where it joins the great formation of transition limestone, as it has hitherto been called. On this line he finds the Blue ridge composed of primary slates, chlorites, and sandstones, with conglomerate grits, to the eastern foot of the ridge, all dipping east. Entering the Middletown valley, he finds a decomposed red shale and talcose slate. Leaving Middletown, which is eight miles from Boonsborough, he crosses the Cotoctin mountains, composed of chlorite rocks and slates, with green epidote and whithish slaty sandstones, and advances towards Fredericktown, also distant eight miles. When he has left the mountains behind him, and has advanced to within two and a half miles of the city, he finds the ground covered, for a breadth of several hundred yards, with immense dislocated masses of the calcareous breccia, some of them weighing fifty tons, and the fragments and pebbles of which it is composed cemented together with a red argillaceous earth. One mile from Frederick he finds the limestone as regularly in place as it is west of the Blue ridge, its edges crossing the road in a direction of north northeast to south southeast, sometimes dipping easterly, and frequently vertical. The limestone continues uninterruptedly to the Monocacy river, on the eastern side of which laminated slates and shales commence. We have thus all the proofs that the Atlantic primary chain has come up from below through the limestone, triturating and breaking it up into fragments of every size, which were subsequently transported to the east side of the chain by a current from the west, and deposited there, intermixed with the decomposed red shale, for no conglom-

*The nature of the power of the water in this locality in ancient times, before the bed of the river was contracted, will be better understood by stating that the falls are nearly at the head of a natural inclined plane, measuring, by the bends of the river, upwards of 11 miles to Georgetown, and having a fall of 168 feet to the tide water level. This gives an average of 14½ feet per mile, a force, added to the immense period it operated upon these rocks, probably ever since the elevation of the Atlantic primary chain, sufficiently adequate for the phenomena now presented in the bed of the river. In the succeeding inclined plane of 8¾ miles, the fall is only 32 feet.

erate has yet been found on the western side. This great elevatory movement seems to have been followed by another, which has given the anticlinal arrangement to all the rocks of the country; for, after the first deposition of the breccia, we find it dislocated and broken up into the masses before spoken of. This must have taken place posterior to its semi-induration, for, where it lies undisturbed, the fragments of which it is composed are, in numerous localities, rent in every direction, their corresponding parts often shifted, and the fissures filled up with the carbonate of lime. This curious state of the breccia is well exhibted in the columns of the Senate and House of Representatives at the Capitol. I have followed this breccia for great distances along the eastern flank of this chain, and have found it always similarly situated; only in some localities, as in Fauquier county, Virginia, to the northwest of the town of Buckland, the breccia is not composed of limestone, but of slates, sandstones, and quartz, because the limestone has never extended to that parallel. We may safely infer, from all these circumstances, that the Atlantic primary chain was elevated posterior to the deposition of the limestone, which may be considered the equivalent of the lowest beds of Mr. Murchison's Silurian rocks.

These non-fossiliferous beds extend now a long way up the river, which is very tortuous, embracing many beds of hydraulic lime, which, as well as the common limestone, when pure, has added much to the value of real estate here since the construction of the canal. The compact dark blue kind makes an excellent mineral manure, but cracks when used as plastering for rooms, an objection the whiter kinds are not so obnoxious to, they being less ferruginous. The whole distance up the river, the beds are anticlinally arranged, often forming complete arches, and occasionally the seams, not more than eight inches wide, are disposed into concentric forms of forty feet diameter. At Shepherdstown a band of quartzose red sandstone, about three feet broad, sometimes crossed with small seams of carbonate of lime, runs through the strata of limestone due north and south. I obtained a singular specimen from it, with septæ standing on its face in relief, like chain coral. Higher up lofty bluffs of limestone approach the river on both sides; some of them on the left bank are cavernous, with pendent stalactites inside. Near Williamsport the beds frequently dipped both ways in a short distance; indeed, in some localities they have a wavy structure, forming a set of anticlinal and synclinal lines, as in diagram 10, where, at *a*, a ravine, the continuity is interrupted by the removal of mineral matter. Diagram No. 11 represents another locality near Williamsport, where, at *a*, a part of the beds seems to have slid off, and to have left a ravine, where trees are now growing. The main beds of limestone here are about three feet wide. In approaching the Alleghany ridges the evidences are abundant of a great disturbance in the beds. I copied the appearances exhibited by them in diagram 12, within the space of three miles. At Williamsport a slaty shale comes in at the river, through which a road has been cut to the canal bridge, which exhibits the laminæ standing in every possible direction. The canal not being navigable beyond this town, which is one hundred miles from Georgetown, I abandoned those instructive banks of the river, and continued over the limestone, occasionally alternating with shale, by the upper route to Clear Spring, about seven miles. A little beyond this place the formations change, and the heavy limestone water is exchanged for the pure springs flowing from the shales and sandstones of the North mountain, the first in advance of the Alleghany system of ridges west of the Atlantic primary. Further on, about nine miles, a fine fossiliferous bed of limestone comes in on the Licking creek, containing producta, spirifers, cardia, and some goniatites. There is, however, a lower route, by the way of what is called Big Spring, betwixt the North mountain and the river, where the limestone, with the exception of a few continuous beds of shale, is continuous; and as the North mountain, on the Virginia side, across the Potomac, continues its course to the S. S. W., it is evident that the bed of the river has been excavated subsequent to the deposite of the North mountain, and that the shales and sandstones have been removed from the limestone occupying the space between the now separated portions of the mountain. I have subsequently had an opportunity of examining the country on the Virginia side, and found every thing in correspondence there. The limestone extends from Shepherdstown to the east flank of the North mountain, near Hedgesville, and the same beds of shale which are observed on the opposite side occur on this side, betwixt this last-mentioned place and Martinsburg. Pursuing the road from Licking creek to Hancock, there are numerous sections of shales and sandstones, dipping alternately east and west, the strata frequently exhibiting imperfect arches. On the route a very distinct view is had of a narrow valley, on the Virginia side, lying between two subordinate ridges, called the Third hill and Sleepy-creek mountain. Here the first veins are found of anthracite coal of a good quality; and although they are known to extend many miles to the S. S. W., no examination of them has yet been made minute enough to ascertain their capacity. This I learned from some of the proprietors is about to be done.

From Hancock to Cumberland, the proposed termination of the Chesapeake and Ohio canal, about forty miles, a great number of subordinate ridges are crossed, consisting of red shales, sandstones, ferruginous ores, grits, and occasional bands of encrinital limestone. Some of these are the bifurcations of one principal ridge, as Town hill is of Sidling hill, which extends up to the Juniatta, in Pennsylvania; all, however, appear to have one general magnetic direction, running between north and northeast.* At Flint Stone, twelve miles from Cumberland, are beds of limestone, containing fossils analogous to those of the carboniferous limestone of the Western country, bellerophon, lingula, avicula, turbo, a great variety of favosites, madrepores, and other zoophytes, and beds of encrinites, converted into calcareous spar, which would make very beautiful marbles. These beds appears to me to be the equivalents of the Ludlow rocks. The country again rises with shales and sandstones, but on approaching Cumberland, beds of limestone are again met with, but very slaty, and alternating with shale and sandstone; sometimes they are horizontal, sometimes contorted, and are thrown even into vertical inclinations. The fossils here again come near to those of the carboniferous limestone. To the west of this place rises a lofty ridge, called Will's mountain, about 900 feet in height, with an immense gap, through which Will's creek finds its way to the Potomac. East, however, of this mountain is a small ridge, which stops short of Cumberland to the northeast, being divided from its southern portion, which continues its southern course across the Potomac in Virginia, by a basin about a mile and a half wide, in which Cumberland is situated, and through which the Potomac flows. This ridge is composed of shale and limestone, with producta, spirifers, and cardia. It is evident that the ancient floods which have retired from this part of the country at the period of its becoming dry land, have carried away the subjacent shale, and that the superincumbent limestone has fallen in for want of support. The gorge of Will's mountain is a very remarkable locality; it extends about 3,000 paces, and is in some places 500 paces wide,

* Charles B. Fisk, Esq., the intelligent chief engineer of the Chesapeake and Ohio canal, was obliging enough to have parallel lines run for me, to cover points of white granular sandstone, and red sandstone, which had been identified as belonging to the anticlinal strata, following the magnetic direction above alluded to. These lines, which extended from the neighborhood of Hancock across the Cacapon river to a point west of the Cacapon and south of the Potomac, gave a course of S. 34 degrees W.

presenting a very curious and quite a magnificent section of the mountain. This consists of red shale, subjacent to grayish sandstones and grits. On the north side the summit is about 850 feet from the creek, showing a bold mural escarpment, with an immense talus of fallen masses, extending two-thirds of the way up the cliff. On the south side, at the eastern end, the base rises by a slight inclination into a regular curvature of the beds, the lowest being a red shale, and the upper beds consisting of grayish sandstones and grits. The curvature presents a segment of an arch, the base of which would be about 9,000 feet. On reaching the western end of the gap, I observed that the flexture of the beds had as it were collapsed, and that a great many of them, to the amount of about 200 feet in thickness, were hanging vertically upon the flattened side of the arch, as in diagram 13. Amongst the rubbish I had seen some specimens of fucoides Alleghaniensis, and as soon as I fully comprehended the collapsed state of these rocks, it occurred to me that I might possibly find the beds to which they belong, and climbing the cliff and looking diligently about, I had the satisfaction of finding them, with several other varieties of fucus in place on the outermost of the vertical beds. The fuci all belonging to the seaweed tribe of plants,* these must have grown upon the flat bed of the sea. It is evident, therefore, that all the beds had been bent up by some action from below, and that, from some inequality in the action, or from some external cause, the bed on which they lay together with its associate strata, had collapsed towards the centre, in such a manner that they would appear to have been thrown up into a vertical position, if the incurvated part had been concealed.

A few miles from this remarkable gap, on the road towards Frostburg, a change in the formations takes place; the sandstone becomes micaceous, and the shales alternate with bands of limestone. The country now rises over Dan's mountain, the eastern limit here of the Western bituminous coal field, to Frostburg, ten miles from Cumberland, and it is in the vicinity of this place, which is about eighteen hundred and fifty feet above the level of tide-water, that those fine veins of bituminous coal have been opened which are hereafter, when the canal is finished, to come in competition with the other bituminous coals on the Atlantic border. One of the veins here, of which there appear to be four regularly developed, giving twenty feet of coal, is ten feet thick, and would be all of a very excellent quality, if it were not for a deposite of shale, from six to twelve inches thick, in the centre of the vein. A very great advantage which this coal, in common with all the bituminous coal mines of the West possesses, is, that in consequence of the deficiency of the several formations of the geological column, which has been before mentioned, and the elevation of the region above the river levels, the coal is excavated with comparatively little cost, and, dipping gently to the west, the drainage is easily effected. The hydrates of iron, also, of this neighborhood, are very promising, but the continuity of deposites of this character is very variable, and no calculation can be made either of their extent or thickness, unless the beds have been very generally worked and for a long time. This is not the case with the coal, which takes its origin from a different cause, and which develops itself in many neighboring localities, with the greatest assurance of its being continuous. Frostburg is the summit-level of the country, and the beds lie generally in the same horizontal manner in which they were deposited; from which the inference may be safely drawn that they were deposited posterior to the movement which has given an anticlinal arrangement to all the beds lying between them and Georgetown.

From Frostburg I descended the valley of George's creek eighteen miles, to the village of Westernport, on the northern branch of the Potomac. The valley is hemmed in by lofty hills, containing various veins of coal. Three miles beyond Westernport and one beyond the mouth of Savage river, the Potomac has worn its way through a ridge, apparently nine hundred feet high at least, making a gap of a mile wide. On the south side is a very curious vertical section, (Diagram No. 14,*) exhibiting the rare spectacle of six workable veins of coal, containing near forty feet of coal and two bands of iron ore. The uppermost of these veins is about sixteen feet thick, and is about eight hundred feet from the level of the river. The six-feet vein of this locality has a band about one foot thick of argillaceous shale in the centre, like the vein at Frostburg, and the three-feet vein is somewhat pyritiferous. These circumstances may assist future observers in their inquiries whether these veins are continuous and identical. The coal is nearly at the same height at both localities, Frostburg being one thousand two hundred and seventy-five feet above the level of Cumberland, and the summit of the section near Savage river having about the same elevation, the truncated mountain being perhaps nine hundred and fifty feet high, and the fall to Cumberland from thence being about three hundred and thirty feet. The veins at both places dip to the west. I regretted at the time not having leisure to examine this subject more minutely with reference to the general continuity of the veins. When the impediments† to the navigation shall at some future period be overcome, there will be no part of the world, perhaps, where coal can be mined and shipped with greater facility than at the Savage mountain. The galleries can be constructed in the broad face of day, and the coal let down by drops to the boats below. I remember seeing this admirable contrivance at Sunderland, in England: the coal being brought from the mines to the river at an elevation of several hundred feet, one car at a time, laden with coal, was carried out by machinery, and suspended over that part of the river where the vessel lay; it was then let down, with the man accompanying it, within a moderate distance from the open hatches; the man then touching a spring, the bottom of the car was let go, and the coal dropped into the hold; the car was then hoisted up again, and another let down.

Returning to Cumberland from Westernport, a distance of twenty-eight miles, by the banks of the Potomac as far as it was practicable, I had a fine opportunity of observing the river sections in a part of the country remarkably wild and picturesque, where the river occasionally wound its way through very narrow mountainous gorges. Not far from Westernport, on the left bank, there is another coal vein, of about twelve feet, which I was told reappeared on the southern or Virginia side, at nearly the same level, about three miles distant. The termination of the coal field was soon marked by the reapperance of anticlinal and contorted limestone beds alternating with shale. Sometimes the hills come down to the left bank so abruptly as to make it necessary to cross to the Virginia shore. At one place the mountain descends in an inclination of seventy degrees to the river, and a bridle-path has been made, which crosses this slope at an elevation of five hundred feet, over which a careless traveller might be easily precipitated. This was a section of Dan's mountain, which I had before crossed on my way to Frostburg. On descending the east side of this mountain, I came in view of a most striking section of the limestone beds on the opposite bank of the Potomac, where the flexure of the rocks was occasionally continued in an anticlinal and synclinal line, upon a large scale, and the surface had been so curiously

* Some of the recent species of fuci are many hundred feet in length, and have a small bladder at the end of their leaves, by the aid of which they float.

* In this diagram the thickness and succession of the coal veins are put down without reference to the thickness of the beds of sandstone which separate them.

† In thirty-one miles the fall is three hundred and twenty-four feet.

removed in various parts, that sometimes a perfect arch was left, and at other times an inverted one. Diagram No 15 represents one of these sections.

From Cumberland I now went in a northerly direction near forty miles to Bedford, along a valley between Will's mountain on the west, and Evitt's mountain, a somewhat smaller ridge, on the east. The red shale which underlies Will's mountain at Cumberland, constantly appears subordinate to the sandstone on this route. The valley abounds with knolls of limestone, containing fossils of the carboniferous limestone, resembling the knolls in Allegany county, Virginia, lower down on this range, about two hundred miles south, in the vicinity of the Sweet springs. The constancy of the phenomena connected with the anticlinal arrangement of the whole series of Allegany ridges, seems to suggest the true explanation of their origin. Prior to this undulating elevatory movement, the level of these beds seems not only to have been higher, but to have been continuous and without valleys. Whilst some parts of the strata were forced up into the anticlinal form, in a constant magnetic direction, the intervening distance betwixt each axis or ridge would probably be thrown into a ruinous state, and as the dry land rose and the waters retired, the ruins would at length be borne away, and the valleys remain. All these ridges, however, are not in a perfectly anticlinal state at present. At Prospect rock, at the top of the Cacapon mountain, in Morgan county, Virginia, the strata have an easterly dip, whilst on the west side the beds are truncated, and the greater portion of the mountain on this side seems to have been carried away. The origin I have here attributed to these ridges seems the more probable, when it is considered that they only commence where the shales come in, which, being easily removed, soon cause the ruin of the superincumbent strata.

In the vicinity of Bedford, which is remarkable for its efficacious mineral waters, the limestone and shale alternate. The limestone, in strong strata, contains impressions of producta, spirifers, and cardia, and in a crumbling shale superincumbent, I found great quantities both of bellerophon and goniatites.

From this place I pursued a northwesterly course again, towards the bituminous coal field, passing over the usual beds of limestone, shale, and sandstone. Fifteen miles from Beuford I again came upon the great horizontal deposites of the country, from whence the waters flow to the Ohio, called here the Backbone mountain, in many places the great Allegany mountain, but which, from its being the constant limit, during its long course, of the great Western bituminous coal field, should be known by a general characteristic name. Here, on the Shellburg road, the mountain is twelve miles from base to base, and has a table land at the summit of eight miles broad. Advancing to the summit, a regular millstone grit occurs, with beds of conglomerate, underlain by shale; and at the top, about half a mile to the right of the road, there is a coal vein worked by a person named Stotler, about seven feet wide, with two feet of bituminous shale in the centre. This vein is perfectly horizontal, and conforms to the subjacent strata.

From hence to Pittsburg, about eighty miles, the coal constantly crops out in all the ravines and in descending most of the hills. Opposite to this prosperous town, at the junction of the Monongahela with the Ohio, there is a fine section, about 400 feet high, containing a six feet vein, which has been long worked for the use of the city. It would be superfluous in me to allude to other localities, or to those which are so exceedingly interesting up the valley of the Monongahela, it having been recently done with much detail and accuracy.* The great extent also of this Western coal region is sufficiently known to convey an adequate idea of its vast resources.* Mr. R. C. Taylor estimates the area covered by certain counties in Pennsylvania which lie within it, to cover twenty-one thousand square miles, exclusive of other counties which lie partially out of it. If to this are added the extensive deposites in Ohio, Virginia, Maryland, Kentucky, Tennessee, Indiana, and Missouri, we see sufficient reasons for indulging the most sanguine anticipations of the future wealth to be accumulated in this part of the country. But it is not the coal alone—its concomitants, iron and salt, will aid in accelerating its prosperity. Although the general geological arrangement of the coal measures in the United States and in England is very similar, as to the mineral structure of the beds, the organic incidents, and the associate deposites of iron, yet the analogy does not hold as respects the salt. I shall make a few remarks on this subject by-and-by, which will be comparatively useful to observers here. The beds of the coal measures in the northern counties of England, are irregular alternations of sandstones, composed of fragments of silex, mica, and felspar with a mineral cement, schistose clayey beds, and veins of bituminous coal. The schistose beds contain iron-stone, in nodules and layers, which appear to be formed by molecular attraction in the ancient muds, now become shale. The sandstones are very fissile, owing to the disposition of the mica; they consist of rounded granular quartz, from masses of which their constituent parts may have been detached with the mica. In this country there are numerous thick beds of sandstone formed with rounded grains of quartz in the upper part of the carboniferous limestone formation as well as the millstone grit, which have no mica. The sandstones with mica, here spoken of, are much less coherent than the micaceous sandstones in connexion with the primary rocks, of which there are some fine examples up Rock creek, in the District of Columbia.

These fissile sandstones frequently contain stems and fragments of terrestrial plants, and are often separated by beds of limestone containing marine shells. The abrupt changes of these mineral strata, and their organic contents, often without admixture, show that they have been deposited not at distinct periods alone, but under circumstances widely different. The strata appear at one time to have been covered with calcareous salt waters, which subsequently became dry land, and afterwards received argillaceous deposites of mechanical origin, brought by fresh water, in the manner alluded to when the wealden group was treated of. In some of these shales, the remains of fossil unios are found associated with the plants, showing that the same state of things existed in the muds of the estuaries and rivers of ancient geological periods, which we are constantly observing on this continent under the present order of nature. These unios are found in great abundance in the Jarrow colliery, in the Newcastle district, many of them lying with the valves gaping open, and proving conclusively that the bed where they are now found was once the surface of the earth, though now many hundred feet below it.† This bed is only one of a number similarly situated, and if it constituted the surface a sufficient period of time, as we see it did, to admit of successive generations of plants and fresh-water mollusca growing on it, what duration of time must be allowed for the aggregate formation of the whole coal measures, when each bed in its turn constituted the surface for an undefi-

* Dr. S. P. Hildreth "on the bituminous coal deposites of the valley of the Ohio," &c.—See Silliman's Journal, October, 1835.

* Besides the numerous quantity of veins lying high and dry above the streams, there are the yet unexplored ones lying beneath them. In boring for salt water in many parts of this region, many coal veins have been passed through, some of them six and eight feet thick. Those in the Newcastle district, England, known as the high and low main seams, which are worked at great depths, are known to extend over 150 miles square, and have been mined for several years.

† Similar observations have been made here. Dr. Hildreth (pages 69, 70) observes that fossil unios, melania, and lymnea, all fresh-water genera, are found "in a bed of dark carbonaceous clay," at a level many feet below the coal.

ned period! And then what are we to think of the period necessary for the deposition of all the stratified portion of the earth, when the coal measures stand in so small a relation to the whole!

This portion of the carboniferous group presents also the singular spectacle of vegetable fossils prevailing almost to the exclusion of all others—a circumstance which gives weight to the vegetable origin of bituminous coal. Besides the profusion of vegetable fossil impressions found on the bituminous shales superincumbent on the coal veins, we find the leaves and stems of great varieties of plants dispersed in the slaty and siliceous beds alternating with the coal, as if they had been deposited at a geological epoch devoted almost exclusively to the vegetation of plants. Assuming the vegetable origin of coal, it appears most probable that coal veins must have been furnished by plants which grew on the spot, as peats do at present. In cases where plants have accumulated by being swept from a distance into particular situations, as at Bovey Heathfield, in Devonshire, where whole forests seem to have swept off from the Dartmoor granite, and collected in a basin lower down, we must expect to find them, as they are there, mixed up with gravel and detritus; but that does not occur in the coal veins; they are composed of pure combustible matter, although, as has been seen, they are sometimes divided by argillaceous layers. If we were to endeavor to account for the coal measures on the hypothesis of plants transported from more elevated and distant districts, in vain we look for vestiges of such districts, lost in admiration at the changes which the surface has undergone. The degree of bitumination belonging to the many varieties of coal, and upon which their excellence for particular purposes depends, may be caused by the inherent qualities of the plants of which they are the supposed residuum. There is one particular in which the bituminous coal region of this country differs widely from that of England: here the beds lie generally as undisturbed as when they were deposited; there they have been dislocated and shifted in a surprising manner. There are instances of *faults*, in the Newcastle district, where the strata have been rent, and a subsidence of one portion has taken place to the extent of 140 fathoms, near 850 feet. When this was effected, of course the corresponding part would have formed an escarpment to that extent; yet all this has been removed, for the surface of the country is now level.

Not having, upon this occasion, passed through the great deposites of anthracite coal, I shall not refer to them any further than to observe that they are totally distinct, as to their geological position, from the bituminous coals, and of a distinct quality. With some exceptions, as at Broad-top mountain, in Bedford county, Pennsylvania, they are entirely non-bituminous, and are all, without exception, deposited low down, amongst what have been called the grauwacke rocks, and in that group which, when it comes to be minutely examined and compared, will, I have no doubt, prove the equivalent of Mr. Murchison's Silurian rocks. There are very strong resemblances amongst some of the fossil plants found in the shales of both the bituminous and non-bituminous beds, but I believe the amount of the differences, when they are carefully compared by experienced observers, which measures are taking to have done, will prove to be great and characteristic.

Deposites of hydrate of iron accompany the bituminous coal measures, as they do in England, but in this country they vary exceedingly in their extent and capacity. The beds in the neighborhood of the Potomac appear to be thick, and, if they are continuous, will be of immense value. The deposites in the vicinity of Frostburg are said to give a thickness of fifty-four feet.* A section of the strata at the Junior Furnace,* Scioto, Ohio, shows a mean thickness of about six feet in three beds alternating with coal. The deposites of this kind which I have examined in the United States appear to have been made almost all from fresh-water chalybeates, loaded with ferruginous matter, which accords with similar beds in Europe. At Abersychan, in South Wales, England, the beds, in a breadth of 119 yards, give an aggregate thickness of 42 feet 8 inches of coal, yielding upwards of 30,000 tons to the acre, whilst the numerous deposites of hydrate of iron alternating with the coal veins give at the rate of 15,000 tons per acre. Mr. R. C. Taylor states† that, by the official returns of the Monmouthshire Canal Company, there were brought down to the wharves of Newport from that district alone, in one year, 513,974 tons of coal, and 104,129 tons of iron.

Thus far the analogy between the structure of this portion of the geological column in both hemispheres seems to be perfect; it fails, however, as it respects the salt, which in England is drawn from the new red sandstone group, higher up in the series than the coal measures, whilst in this country, in Pennsylvania, in Ohio, and on the Kenawha in Virginia, the coal strata have to be penetrated to arrive at the salt. In my report of last year, I gave a section of this kind 700 feet deep, at Kiskiminetas, in Pennsylvania. Dr. Hildreth states that, twenty-five miles from the mouth of the Muskingum, wells have been sunk 900 feet deep for salt, which is 300 feet below the level of tide-water. It is a very general opinion that these wells are supplied from the percolation of fresh water through certain saliferous strata, charged with particles of salt, and of course sufficiently porous to be pervious to water. These strata consist of porous, whitish-colored, fine-grained sandstone, often tinged with a red color; calcareous rocks of a harder structure; marly clays, containing particles of salt; and cavities, formerly containing large crystals. These general characters seem to be common to all the borings. From the general direction of the salt-works of this country an inference may be drawn that these saliferous rocks run parallel to the direction of the great bituminous coal field, and may, in fact, constitute a mineral zone, saturated with salt, and conforming in its general direction to other great mineral zones parallel to it on the east. This is a subject highly deserving the most accurate observation. The deeper the wells are sunk, the stronger the brines are found, probably on account of the exhausted state of the rocks previously used. Generally speaking, also, the brines only become gypseous at the greatest depths.

Considering, however, the Alleghany or Backbone mountain alluded to, near Shellburg, in Pennsylvania, as a great geographical boundary separating the Western bituminous coal measures from all the anthracite beds of the Silurian rocks, running in a southwesterly direction to join the Cumberland mountains, and having the salt deposites west of it, we find some important salines east of this great boundary, as at Saltville, near Abingdon, in Washington county, Virginia; but the floor of this valley, lying between Clinch's and Walker's mountains, is the highly-inclined limestone found east of Hancock, in Maryland, alternating with shale, and carrying older fossils than those which are found even in the carboniferous limestone. The Abingdon wells, which I visited in 1834, are in a totally different deposite from those stony strata west of the boundary just described. The valley in question has, before the deposite of the salt, been much deeper than it is now, and has been partly filled up by gypseous and saliferous clays. In digging the first ten feet, they go through a blackish loam which forms the surface of the whole valley, then twenty feet of blue and reddish clay, then thirty feet of clays very

* Report of an examination of the coal measures, including the iron ore deposites, &c. George W. Hughes, U. S. Civil Engineer, p. 20.

* Dr. Hildreth's Observations, &c. Silliman, Oct., 1835, page 132

† Transactions Geological Society of London, vol. 3, page 436.

much intermixed with gypsum, and lower down, to about two hundred and twelve feet—the greatest depth they have been obliged to go, for here the boring instruments drop into an unmeasured deposite of brine—through masses of gypsum,* sometimes containing a little clay, and occasionally compact argillaceous laminæ, with ferruginous pebbles and peices of sandstone. In the immediate vicinity of these salt-wells are extensive dry deposites of gypsum, where it is quarried for the use of the adjacent country. There are also others higher up the valley, nearer the sources of the Holsten. The average quantity of brine necessary to make a bushel of salt at Kenawha is said to be about seventy gallons, but at Saltville, twenty-four gallons are sufficient to make one bushel, and this of the purest kind, there being no traces of muriate of lime in it, which is so troublesome at the other salt-works where the brine acts upon calcareous rocks. The brine here comes from the pumps loaded with sulphate of lime or gypsum, which is deposited in the form of blocking in the pans where the brine is boiled. These salines appear to be inexhaustible. Ligneous fuel, however, is rapidly disappearing from the neighborhood, and the proprietors would do well to institute a search for coal, which may probably be found in the vicinity.

The geological position of Pittsburg is interesting. The Alleghany and Monongahela rivers unite here to form the Ohio. In ancient times, before the streams of this continent were reduced to their present level, the mud they brought down was deposited at the point of their confluence; this, since the lowering of the streams, has become the triangular alluvial deposite where Pittsburg is built, and which now occupies almost the whole area. From this place the country descends parallel with the Ohio river, whose banks of alternate sandstone, shale, and limestone, are from 350 to 450 feet high, to Beaver, in Ohio, where, in the valley of the Big Beaver river, several coal veins are observed. The country now rises to Ravenna, the summit-level of this part of Ohio, about 1,140 feet above tide-water. Boulders and gravel of primary rocks are for the first time found on the route here, and continue to increase in proceeding westward to Cleveland, Ohio, upon Lake Erie, sixty-four miles distant. Here we have the evidence of a lowering of level of the Western waters, a low rich alluvial flat extending from the banks of the lake, about fifty feet high, three miles east to its ancient border. The same appearance presents itself in various parts of the shore of this lake, as well as on the shores of Lake Ontario. At Sandusky regular beds of the carboniferous limestone, with its usual fossils, are found. On this great level the formations change no more for an immense distance in the line of my route. On the approach to Detroit, nothing is to be seen but a low sedgy shore to the west, and a flat country to the east, consisting of sand and clay, without any sensible inequality of surface, being the old lacustrine deposite, when the whole of this region formed one large lake. This appears to have become dry land at the lowering of the waters of this continent, more than once already alluded to. At Fort Gratiot, seventy-five miles from Detroit, finding some anodontas on the shore of the St. Clair river, I had the curiosity to dig into the sides and bottom of the bank of the river, about thirty feet high, where I found great quantities of unios, anodontas, and numerous fresh-water shells inclosed in the clay; those near the level of the water were quite soft, but indurated afterwards, and proved to be the same species as others now found in the neighboring parts of the lake. The next two hundred and thirty-five miles, to the island of Michilimackinac, I made on the lake.* This is a small island, formed of a soft and extremely porous calcareous rock, broken down from top to bottom into a breccia, and re-cemented. It has at some period been much higher than it is, isolated portions still remaining far above the general level. The Sugar-loaf, a sort of pinnacle, or out-lier, is an instance of this. It is a brecciated pillar, composed of adhesive portions of the old calcareous beds, which have resisted the causes that have overthrown the stratification; some of the masses are vertical, others highly inclined, and some horizontal. In some parts of the island the beds were not so much disturbed, and were underlain by soft, marly, broken-down, calcareous matter. I saw very heavy masses of the same porous limestone which had been fished up in the bay, which proves that the island is an out-lier, greatly reduced in size, of what was once connected with the adjacent country. This my time did not permit me to visit. There is not much to occupy a geologist on this island, but in my walks to a small plantation called the Farm of the Mission, I saw an extensive lacustrine deposite, full of various species of planorbis, &c., of the usual kind, the which, if I had seen any one to impart the information to, I should have informed them would have greatly improved their scanty crops, if they had thought proper to dress their lands with it.

Intending to strike the Mississippi by way of the Wiskonsan river, I proceeded from this point to the mouth of Fox river, at the bottom of Green bay of Lake Michigan, where Fort Howard is situated, and where a flourishing village named Navarino, is rapidly growing up. I had no opportunity of landing at any of the islands in Lake Michigan, but passed sufficiently near to the fine sections exhibited in the lofty banks of the southernmost of the Wagooshugamessum, or Fox islands, to perceive they were a white incoherent sandstone, such as I subsequently met extensive beds of further to the southwest. On examining the country as rapidly as my time permitted, I found a ledge of strong horizontal beds of carboniferous limestone, about eight miles from Navarino on the east, and distant about two miles from the lake; these contained orthocera, together with the characteristic fossils. Between this ledge and the shore other indisputable evidences present themselves of the recession of the waters of the lake. The soil about Navarino is a rich siliceo-calcareous loam, of the greatest fertility.

At this place that singular phenomenon which was observed by the old French discoverers, and which is mentioned by Charlevoix, still attracts the attention of the traveller. I had observed in the neighborhood of Fort Gratiot, on Lake Huron, evidences of a varying level of the waters; but as it did not differ from that of all large bodies of fresh water, I attributed it to the influence of the winds on the surface; but here is a perfect representation of a tidal shore. I had put rods down to form some estimate of this movement, and ascertained, soon after my arrival, that from 6 P. M. to 11 A. M. of the succeeding day, the water had ebbed twenty-four feet, and one foot

* There is a striking analogy between this deposite and those of Ischil, on the Gmunden lake, in Germany, which originally gave its name to Salzburgh. There is an interesting paper in the American Journal, &c. for January, 1836, from an officer in the United States navy who visited those salt works, in which he says, "The gangue of the salt, if the word may be used, is composed chiefly of a clayey earth, mixed up with irregular blocks of sulphate of lime. The salt is mingled with these, usually in strata of from six inches to two feet in thickness." Fresh water is let into the chambers of these deposites, and when saturated is drawn off. This is probably the natural manner in which the brine is formed at Saltville.

* It appeared to me somewhat remarkable that on this already important line of navigation to Michilimackinac and the Wiskonsan Territory, frequented by the craft of the country and by steamboats of the largest burden, the maps should be so absurdly erroneous as they are, as to the distances. In those which I had, and I believed myself to have the best, Presqu'isle is put down a great deal too near to Michilimackinac, and Middle island occupies the place where Thunder island ought to be. The following table of distances was corrected for me by an experienced navigator on this lake:

| | |
|---|---|
| Fort Gratiot to Point aux Barques | 70 miles. |
| to Thunder island | 70 |
| to Middle island | 12 |
| to Presqu'isle | 18 |
| to Bois Blanc, called Bobbelo | 55 |
| to Michilimackinac | 10 |

perpendicular. Subsequently I found the flux and reflux to be quite irregular as to periods, although the phenomenon is of daily occurrence: and this was confirmed to me by an intelligent resident of the place, who was in the habit of observing it both winter and summer. In the winter he informed me the ice forms in a solid mass to the bottom near to the shores, whilst in the centre of the river, the water at the flow lifts up the ice, which, when the reflux takes place, cracks, and is swayed down again. The observations which Governor Cass made near the mouth of Fox river in 1828,* show an extreme irregularity in the periods of this rise and fall, and which is totally inconsistent with the regular recurrences of lunar influence. In the paper referred to, which is from the able pen of Major Whiting, U. S. A., there is a letter from Governor Cass, which explains the phenomenon by a reference to causes as constant and irregular as the phenomenon itself. Green bay is an arm of Lake Michigan, running nearly parallel to it, and about one-fourth of its length. Lake Michigan is about three hundred miles long and fifty broad, holding a straight course somewhat east of north, (parallel to all the characteristic mineral directions of this continent.) Governor Cass supposes that when the northerly winds are packing up the waters at the mouth of Fox river, the wind-tide continues still driving on towards Chicago at the southern end of Lake Michigan; the effect of which, by lowering the level at the mouth of Green bay, will cause an ebb from the bay into the lake, which will equally prevail at Fox river, and this even during the existence of the wind that had caused the flow there. This would explain the reason of Charlevoix's surprise at seeing his canoe floating off in the face of the wind. A series of observations made in the neighborhood of Fort Gratiot, at Saginaw bay, at Chicago, and Green bay, noting accurately the contemporaneous state of the winds, and any change of level at Michilimackinac, where the same wind would act upon Lake Huron, would probably confirm the very judicious opinion of Governor Cass.

From this place there is canoe and flat-boat navigation up Lower Fox river to Lake Winnebago. At a distance of about forty miles, the banks of the river are quite remarkable for the beauty of their slopes; and the general fertility of the soil, composed of siliceo-calcareous earth, mixed up with vegetable matter, will soon bring a great population into this part of the country. On approaching the rapids of Kahkawning, called Cocolo by the Canadians, the well-wooded banks of the river slope in such a uniform and graceful manner, that the broad stream seems to be gliding through an amphitheatre. There is a large flat area at these falls, which seem to have a descent of about twenty feet to the mile, across which is a portage, served by the drunken Winnebagoes of this place. The water falls over horizontal beds of the carboniferous limestone. Twelve miles further the river falls about six feet over another ledge of the same formation, at a place called La Grande Chute. Coasting the west shore of the lake, which lies low, and is crowded with fine forest trees springing from the richest soil, I reached the Pawagun, or Wolf river, in about twenty miles. The shores of all the waters here produce great quantities of zizania aquatica, or wild rice, from which the Menomonies, or rice-eaters, receive their name. From this place, for about one hundred miles, the country lies very low, the elevations of land being trifling, and principally composed of the sand resulting from the disintegration of ancient beds of sandstone; it may be considered, with this exception, a great rice swamp. At a place called Apackquay, or Rush lake, I saw several thousand acres of zizania together, two miles in one direction and five or six in another, resembling an immense field of wheat, with the heads just formed and waving about. At other places the channel went for great distances through dense areas of wild rice stalks, ten feet high, mixed up with rushes and other aquatic plants, so as to exclude every object but the sky. At times the water was so shallow it was with difficulty the canoe could be forced through it. Often it was necessary to trust altogether to the compass, and the immediate approach to Fort Winnebago was so tortuous, the channel so often turned back upon itself, that the compass was quite useless. Whatever the direction, the country is covered with these tall plants, and the grasses on the land, when you succeed in getting there, are so rank (now that the the buffalo has left this part of the country) that it is difficult to advance. It is in fact the summit-level of this part of the country, the Fox river draining it towards the north, and Rock river and the Wiskonsan draining it towards the south. Before the retreat of the waters, which has been before spoken of, which perhaps was contemporaneous with the disintegration of the sandstone, these extensive rice swamps have been lakes, and it is only since their subsidence that the zizania has begun to grow.

In the neighborhood of Fort Winnebago the country begins to rise, and the beds of carboniferous limestone observed in Lower Fox river, are overlain by beds of quartzose sandstone, having occasional siliceo-calcareous seams amongst them. The sandstone beds are horizontal, disintegrate easily, and are often variegated in color, having red, orange, and dark tints. I was taken to a locality in the neighborhood of the fort where this stone had been quarried, and became immediately aware that I was in the vicinity of a galeniferous district, for I was well acquainted with the analogous formation in the State of Missouri, and which is spoken of in my report of last year.

From Fort Winnebago there is a portage to the Wiskonsan river of about two thousand five hundred yards. This is a dead flat of black mud and sand, occasionally overflowed so as to admit of canoes passing to Fox river, and from which the waters have retreated. The Wiskonsan is an ample stream, with numerous islands and sand bars. The low alluvial banks are sand, with seams of red oxyde, showing that they are derived from the old sandstone beds. These banks are always well wooded, and pine, as in all sandy countries, is of frequent occurrence. The sandstone strata soon occur after getting upon the swift current of this river in banks about sixty feet high, which become loftier as the stream deepens its bed. One of these localities, where the escarpment is near two hundred feet high, is an isolated ridge, a little in the rear of the left bank, with a crest resembling, in an obscure manner, walls and batteries, and has obtained the appellation of Fortification rock. Great quantities of the valves of unios and anodontas are found all the way from Green bay to the mouth of the Wiskonsan, at the edge of the stream, left there by the muskrats and otters. About forty-five miles from the portage, another picturesque mass of horizontal sandstone presents itself, called *Petit rocher*. There is a remarkably fine view from a lofty hill at a place called Helena, where a shot-tower has been sunk near two hundred feet in the sandstone: the river is seen for a great distance winding through the rich flat lands of the valley, which is bordered on both sides by high rounded hills, with occasional escarpments, separated by well-wooded coves or vales, called by the French *coulees*. Boulders and fragments of limestone are found in the vicinity, resembling the Missouri galeniferous limestone, with occasional narrow seams of sulphate of barytes in it. A little lower down, the river has undermined the strata, and a mass of sandstone, about thirty feet high and two hundred feet long, has scaled off from the body of the rocks, leaving a smooth face. This place is called the Fallen rocks. The nature of the scenery is much the same to the mouth of the Wiskonsan: rich flat lands are of frequent occurrence, the slopes, some-

* "Remarks on the supposed tides." Silliman, vol. 20, p. 205.

what more sparsely wooded, are covered with high grass, except where broad spaces of escarpment (so soft that the swallows in great numbers have been able to pick holes in it and build their nests) peep out and give the general line of the river a castellated appearance. Upon the face of these white sandstone beds, figures of deer, men, and horses, have been painted in red, after their manner, by the Indians. The islands in the river are very numerous, as well as the sand bars, which sometimes scarcely admit of the passage of a canoe in the low state of the water, and several extensive prairies are passed. Below Pine river, which comes in west of Helena, on the right bank, limestone is found in place on the sandstone, and increases in thickness towards the Mississippi. Mineral blossom, as it is called, or mamillary quartz, siliceous matter coating the cherty limestone in chalcedonic layers, barytes, and other indications, announce the vicinity of the galeniferous rocks. Frequent indications also of carbonate of copper are found, of which the veins show themselves on the south side of the Wiskonsan, in the neighborhood of Mineral point.

On reaching the mouth of the Wiskonsan, and reviewing the appearances presented by the country left behind, it becomes apparent that evidences of a great aqueous movement are constant along the whole line from Michilimackinac to the Mississippi, the extent and direction of which cannot be reasoned upon until the whole area lying between the Wiskonsan and Lake Superior is examined. At Michilimackinac the calcareous strata, which are analogous to those on the Wiskonsan, are broken up into brecciated masses. The islands in the vicinity of Green bay are the remains of sandstone beds once continuous through the country, and overlying the beds of carboniferous limestone near Navarino and Kahkawning. On rising the country to the Apacquay lake, the incoherent sandstone appears to have been broken down to form the present loose sandy soil of the adjacent country. There is, upon the whole, reason to believe that the denuding forces which acted when the general water-level was lowered, and which probably brought the primary boulders from the northwest, (found all the way from Beaver river on the Ohio,) have carried away a vast extent of mineral surface, and that all the great sand deposites from Lake Winnebago, as well as those in the valley of the Wiskonsan, the valley of the Wiskonsan itself, the coves and dells and coulées between the sand hills, which now so much diversify the face of the country, are the result of the same denuding force. The very great extent of the arensceous deposites can only have been caused by an ancient breaking up of these incoherent sandstone rocks.

On appraching the mouth of the Wiskonsan, west-by-south, the right bank of the Mississippi appears, about 450 feet high, and the river perhaps 900 yards wide, its water somewhat clearer than that of the Wiskonsan, and the zizania continuing along its banks. Four or five miles N. N. W. from this point Prairie du Chien is seen, a fine flat, where Fort Crawford is built. East of the garrison and on the edge of the prairie there is a fine continuous escarpment of calcareous rocks, from three to four hundred feet high, alternating with sandstone. This limestone very much resembles that in Missouri before alluded to; the beds are horizontal, of a grayish buff color, some of them compact, others with cavities containing crystals of carbonate of lime. These bluffs are cherty towards the top, and where this commences I observed the beds to be occasionally made up of concentric circles. I found one mass, nine feet long and six feet wide, entirely made up of such circles, some of which were two feet diameter. It was sufficiently curious to make a drawing of, of which diagram No. 16 is a representation. I also brought a fragment of it away with me. This is a sort of oolitic structure upon a great scale.

From Prairie du Chien I commenced ascending the Upper Mississippi, which flows the whole distance (about 260 miles) from this place to Fort Snelling, near the mouth of the Minnay Sotor or St. Peter's river, through the same formations that prevail on the Wiskonsan, the calcareous rock, however, predominating on this upper line. It would not be consistent with the nature of this report to enlarge it with repeated relations of the great beauty and amenity of the scenery of the upper portion of this often-described river; the formation being the same along the whole line, the geologist has to limit his observations to incidents connected with geological causes, and reserve what belongs to descriptive geography, and the manners and customs of the Indian nations he passes amongst, as I shall do upon this occasion, to a work of appropriate character. It is one of the great advantages of geological science, that where interesting minerals and metals and fossils are wanting, there is always instruction to be received in the study of the causes which have modified the surface of the earth in whatever direction we move. This is particularly true as it regards the bed of the Mississippi and the surrounding country, the physical geography of which is remarkable. The valley through which the stream flows is generally, below Lake Pepin, from one and a half to two miles wide. There has at some time been a continuous alluvial deposite through its entire breadth, and over which the water has flowed in a stream, as it does now in the Lower Mississippi, uninterrupted by islands. Since the reduction of the general water-level, the river, often divided into more than one channel, now cuts its way through the ancient deposite, sometimes the main channel being on one side, sometimes on another, and separating the old bottom into innumerable islands, some of them, at times, being several miles long, and all of them having a level of from six to twelve feet above the streams. This state of things makes the navigation difficult to strangers, who, believing themselves in the channel, get into bays from which there is no egress. Whenever the current slackens there is always reason to doubt the channel. These islands are extremely well wooded, and afford generally excellent situations to "camp out" at night, as it is called, the soil being dry, the situation sheltered, and dry wood abundant. The banks of the valley (for they can scarcely be called the banks of the river, since where the stream runs close to one shore the other side of the valley can seldom be seen on account of the intervening islands, or bluffs, as they are more generally called) are from 300 to 400 feet high, consisting of horizontal strata of alternating cherty limestone and sandstone, the principal ledges of which mark, for great distances, the continuity of beds, giving thus a particular character to the bluffs; these are frequently prolonged into extended escarpments, and at other times are broken and rounded off by the weather into sharp peaks and grotesque castellated appearances, at the termination of the small vales, or coulées, from 500 to 1,000 yards wide, which come in at right angles to the river, but do not usually extend far into the land. Sometimes other coulées, parallel to the valley, come into these last again, for the distance of 800 yards from the valley. Beyond them the land is generally level, forming a very extensive plateau of country. The soil, from the admixture of lime, sand, and vegetable matter, is of a superior kind, as is proved by the rank vegetation, and the luxuriant growth of trees on the pleasing slopes and vales of this very beautiful country. These various modifications of the surface are to be attributed to the denuding power of the ancient floods which have passed over the face of the country, and the agency of the weather acting upon them during long periods of time. Among the most remarkable of these peaks is a sort of truncated cone, on the right bank, called *Cap à l'aizle* by the old French settlers, on account of the wild onions which grow in the bottom of the adjoining valley, which appears to extend far up into the country. The first stream

of any importance on the right bank, beyond this cape, is the Upper Ioway,* then Root river; on the left bank the Bad-axe river flows through a very beautiful valley; between this stream and Racoon river is a small prairie, but a more extensive strip of low land of this character is found a little higher up, at Prairie la Crosse, or Ball-game river, where the Indians formerly used to convene to play at their favorite game. The bluffs are about two miles inland, and before the reduction of the water-level, this, like all the other prairies similarly situated, must have been a lake. There are three remarkable capes at the south end of this prairie, with singular mural escarpments, the most northerly one separated from the rest by a coulée. Beyond this point all the Indians are Nacotahs, or of the Sioux nation.†

Beyond Ball-game river, on the left bank, is an important stream, named Black river, down which stream a great deal of fine pine timber is floated. The country all around here is remarkable for its fertility and beauty. The most conspicuous locality on this portion of the upper Mississippi, is a place called by the French *La Montagne qui trempe à l'eau*, or the mountain which is steeped in the water. I ascended to the top of this peak, which has a steep ascent of about 500 feet; the crest at the top runs about north and south for 200 yards, and is not more than three or four yards wide, falling off in a precipice to the west, and having a sharp slope of rich soil to the east, well covered with trees and shrubs. From the top there is an extensive view of the course of the Mississippi and the country in the interior beyond its banks. The same constant character of the valley is observed here: a rich bottom, two or three miles wide, broken into islands and swamps and ponds, and the main channel of the river flowing down between *Trempe à l'eau* and the right bank, about 1,200 yards wide. This curious peak has been represented as "a rocky island, separated from the left bank of the river," and to be "very near the east bank of the river."‡ This error was no doubt occasioned by the writer's looking at it from the right bank, and not stopping to examine it. It is, in fact, an isolated bluff, about a mile and a quarter in circumference, separated from the right bank, and not from the east, the intervening space being occupied by the present main channel. From the top of *Trempe à l'eau*, its whole history is seen at a glance: the eastern bluffs are distant at least five miles from it, and in one part recede still more; an extensive prairie, having few or no trees, extending east and west about twenty-five miles, and from five to six miles wide, north-by-east, by compass, separating this outlier from those bluffs to the east. It is evident that the Mississippi has once passed north of this outlier, has covered the prairie, then a lake, and has consted the distant eastern bluffs. This affords another incontrovertible instance of that remarkable reduction of the fresh-water level of this continent, before alluded to, at which period the contracted channel left the then lake, and cut off the *Trempe à l'eau* from the right bank. Ompedo Wakeen, brother to Wabeshah, a celebrated chief of a neighboring band of Nacotahs, told me, on the evening of the day I visited the place, that the Indians called it Minnay Chonrahah, or Bluff in the water, and that they resorted to it at the beginning of the wild-geese season, to make offerings to Wakon, or the deity, for success in hunting.

A few miles higher up, there is another prairie on the right bank, where Wabeshah's band have their lodges; and about half way from this place to Lake Pepin, is another, on the same side of the river, still more extensive, and bordered with cedar trees. Having a copy of Carver's Travels with me, and having always found his descriptions deserving of very great confidence, I had been anxious to discover a remarkable locality he speaks of,* and which, from the doubts expressed by other travellers,† they evidently had never seen. The passage in Carver is so minutely descriptive, and the existence of the remains of a work capacious enough to hold 5,000 men was something so remarkable, that I was solicitous not to miss the place, however troublesome the search, since he does not say on which bank of the river it is, and merely speaks of it as "some miles below Lake Pepin."

On climbing the bank where these evergreen trees were, which is the right bank of the Mississippi, about eight miles S. E. of Roque's‡ trading-house, near the entrance of Lake Pepin, I found myself on an extensive and beautifully smooth prairie. At a distance not exceeding two miles, I saw some unusual elevations to the south; and, hoping I had had the good fortune to find, at length, the true place, I walked to them, and, on reaching them, was at once persuaded that I had found the locality described by Carver, and which was sufficiently remarkable to justify the description he had given of it. The elevation had the appearance of an ancient military work in ruins; externally there was the appearance of a ditch, in places filled up with the blowing sand, and having a slope coming down from what might be supposed the walls of the work to the ditch, of about twenty yards. Inside was a great cavity, with irregular salient angles; and at three different parts were the more regular remains of something like bastions; the cavity was seventy yards in diameter, N. W. and S. E., including the ruins of several terraces; the circumference of this singular place, including the angles, was four hundred and twenty-four yards. Seven hundred yards S. S. E. of this was another, resembling it in form and size; and at an equal distance, E. S. E. from this last, was a larger one, eleven hundred yards round, with similar remains of bastions; this cavity would easily contain one thousand people; its walls, if the word may be applied to them, are lofty, and there is a deep ditch on the south side. In the area to the south I counted six more of these elevations, each having a rude resemblance to the

* I found the rivers very erroneously put down, and Lake Pepin disproportionately long on the maps. In the chart of the Indian country east and west of the Mississippi, which accompanies this report, I have endeavored to adjust these mistakes.

† Sioux is an abbreviation of Nahtowessioux, Men of the Woods.

‡ Keating's Narrative of an Expedition, &c. vol. I, p. 271.

* "One day, having landed on the shore of the Mississippi, some miles below Lake Pepin, whilst my attendants were preparing my dinner, I walked out to take a view of the adjacent country. I had not proceeded far before I came to a fine, level, open plain, on which I perceived, at a little distance, a partial elevation, that had the appearance of an intrenchment. On a nearer inspection I had greater reason to suppose that it had really been intended for this many centuries ago. Notwithstanding it was now covered with grass, I could plainly discern that it had once been a breastwork of about four feet in height, extending the best part of a mile, and sufficiently capacious to cover five thousand men. Its form was somewhat circular, and its flanks reached to the river. Though much defaced by time, every angle was distinguishable, and appeared as regular, and fashioned with as much military skill, as if planned by Vauban himself. The ditch was not visible, but I thought, on examining more curiously, that I could perceive there certainly had been one. From its situation, also, I am convinced that it must have been designed for this purpose. It fronted the country, and the rear was covered by the river, nor was there any rising ground for a considerable way that commanded it; a few straggling oaks were alone to be seen near it. In many places small tracks were worn across it by the feet of the elks and deer, and from the depth of the bed of earth by which it was covered, I was able to draw certain conclusions of its great antiquity. I examined all the angles and every part with great attention, and have often blamed myself since for not encamping on the spot, and drawing an exact plan of it. To show that this description is not the offspring of a heated imagination, or the chimerical tale of a mistaken traveller, I find on inquiry since my return, that Mons. St. Pierre and several traders have, at different times, taken notice of similar appearances, on which they have formed the same conjectures, but without examining them so minutely as I did. How a work of this kind could exist in a country that has hitherto (according to the generally received opinion) been the seat of war to untutored Indians alone, whose whole stock of military knowledge has only, till within two centuries, amounted to drawing the bow, and whose only breastwork even at present is the thicket, I know not. I have given as exact an account as possible of this singular appearance, and leave to future explorers of these distant regions to discover whether it is a production of nature or art."—Travels through the interior parts of North America, in the years 1766, 1767, 1768, by J. Carver, Esq., pp. 57, 58. London, 1778.

† Keating's Narrative, &c., vol. I, p. 276.

‡ A half breed known in the Indian country by the name of Wahjustahchay or Strawberry.

other, with what also appeared to be a line of defence, connecting these works with each other. At the northern end of this singular assemblage of elevations, every thing bears the appearance of rude artificial construction; at the southern end, however, and not far from the river, the works pass gradually into an irregular surface, a confused intermixing of cavities and knolls, that might be satisfactorily attributed to the blowing of sand.* There is a growth of oak timber, as Carver observes, upon all this part of the elevations. All the angles and bastions are very much rounded by the weather, and some of the slopes outside consist of sand brought there by the wind. It is undoubtedly true that all the appearances I have described may have been produced by the action of the wind; but those who think so, after personal inspection, are bound to account to themselves why other parts of this prairie, and of other prairies similarly situated, are not blown up, and why the ground covered by these elevations is blown up in such a manner as to resemble artificial works so closely. If, when this curious place becomes more known and investigated, Indian antiquities should be discovered commensurate with the extent of the work, such as the stone instruments and weapons of offence usually found about Indian encampments, it would decide with me the question. If any thing of that kind is there, it is probably buried beneath the sands too deep for passing travellers to find. I brought nothing away with me but a plan of the general appearance of the locality, and one or two of the principal elevations.

At the southernmost end of Lake Pepin, Chippeway river comes in on the left bank, a stream of considerable magnitude, from four to five hundred yards wide where it joins the Mississippi; the volume of water is said to be great for sixty miles.† Having passed its mouth the scenery becomes changed, and, instead of a valley two or three miles wide, full of low wooded islands, Lake Pepin presents itself, a sheet of water about twenty miles long and nearly three miles wide upon an average, perhaps. This is nothing but a continuation of the Mississippi valley without any islands, with this difference, that the river occupies all the space between the banks, whilst the bluffs and coulées present themselves with the same general character as below. Why there are no islands in this part of the valley, and why it is a lake, deserve an inquiry. It will occur to every observer, that the entrance of a stream of such magnitude as the Chippeway river, coming in at right angles to the Mississippi, must necessarily dam up the water above it. Thus, at the general subsidence of the water-level, when the alluvial bottom of the other part of the valley would be left dry and plants begin to grow, it would here be covered up to the northwest for a certain distance, whilst the wind and high waves to which this lake is now so much exposed as often to make the passage a dangerous one, would keep the alluvial matter in a state of suspension, and, finally wearing it away, the whole breadth of this part of the valley would be necessarily covered by water. This is the way in which I would account for the origin of this lake, the only one in the whole course of the river.

The strata towards the N. W. end of the lake on the north side are very cherty, and agates are very frequently found amongst them. Opposite to a small stream called Marchessau, on the south side, an intelligent trader, well acquainted with this part of the country, told me he had picked up pieces of galena. There are two channels at the head of the lake; the southwest one passes between the right bank of the river and a low narrow island, called Twelve-mile island, edged by lofty and beautiful trees. Up this channel, and near a lofty outlier about three hundred feet high, called La Grange, is the village of the Indian chief Machpayah Muzah, or the Iron cloud, Dootoh, or Redwing, the celebrated old chief being now dead. Two streams, the Vermillion and Cannon river, fall into the Mississippi a few miles higher up. Between them and at a distance not exceeding thirty miles from the mouth of the St. Peter's, there is a singular outlier of sandstone, which shows how the continuity of the strata has once existed, and how much the general mineral level has been reduced. Diagram No. 20 represents this curious pillar, to which the name of Castle Rock has been given. It is situated on what is called the Big Prairie, and can be seen for a distance of twenty miles, appearing like the remains of a castle, or a church with a cupola. The total height is ninety feet, the lower part being about sixty feet high and twenty-five feet in diameter; the upper part is thirty feet high and varies from two and a half feet to fifteen feet diameter. I had these particulars from a gentleman who had visited the place and taken a drawing of it, of which he presented me a copy.

The banks of the river now gradually lose their escarped character, the left bank especially being low and rolling, having generally a gentle slope of grass and trees to the water side, and rarely exceeding one hundred feet high. About forty miles from Lake Pepin, St. Croix river comes in from the left bank, about 120 yards wide. This stream, after following it north about two miles, expands into a small lake of nearly the same breadth. Beyond the St. Croix the Mississippi becomes narrow, and at one place, where the limestone beds on the right side come to the water's edge, is only about one hundred yards wide, and winds very much. From this place I could hear distinctly the noise of the falls of St. Anthony. Four or five miles before reaching the village of Tchaypehahmonee, or Little Crow, the limestone on the left bank becomes very tenacious and twisted; the beds become cavernous, are wavy, and large concentric masses are formed resembling those at Prairie du Chien; the whole mineral substance appears to have had a tendency to resolve itself into globular forms. The river is very beautiful about here; an open stream, without islands, about 300 yards wide, flowing between banks covered with handsome trees, vines, and grass; the soil is exceedingly rich, being composed of decomposed limestone, sand, and vegetable matter, black and deep. A short distance beyond the village there is a bluff of soft sandstone, in which the Indians say there is a cave, but the rock from above has fallen down with hundreds of tons of sandstone and has concealed the entrance. Somewhat higher up, and only a few miles from Fort Snelling, is another sandstone bluff, with a narrow ravine, down which trickles a small stream of good water. I followed this ravine about 200 paces, and found that it led to the cave which Carver has so accurately described.* The Nacotah Indians call it Wakon Teebee, or House of the Great Spirit. The ravine ends at a circular wall of very soft sandstone, about forty feet high to the left; to the right is the cave, the entrance to which is formed by an arch about eighteen feet high, and thirty feet wide. The stream of water comes through this cave, into which I advanced about forty paces, when the water became too deep. I heard a rumbling sound, at a distance, of falling water, and threw stones in at random, it being dark, which fell into deep water, as I could ascertain by the sound. After advancing a few paces into the cave it loses its dimensions, being little more than six feet high and about ten feet wide. The rock is composed of a white crumbling sandstone, easily cut with a knife. The cave, like most others, appears to owe its origin to a spring of water which passes

* It is a sand prairie, covered with a foot or two of vegetable matter.

† At the falls of this river, which are very extensive, there is an indefinite quantity of water-power. The tracts of fine pine timber will, if preserved by order of Government, be extremely valuable. It will be indispensable for building purposes when settlers get into that country.

* Page 64.

through it. The Indians have cut many of their hieroglyphics upon the rock. Five miles beyond this cave the Minnay Sotor Watapah, or St. Peter's river, comes into the Mississippi on the right bank; and, a short distance above, at a cut-off which the Mississippi has made by forcing its way through the alluvial bottom to the St. Peter's, Fort Snelling appears, at the top of the escarpment, on the right bank of the Mississippi.

This is the last military post of the United States to the northwest, the natives having exclusive possession of the country as far as the British settlements, about latitude 49 degrees. The fort is built upon the bluff, which overlooks both the Mississippi and the St. Peter's, resting upon grayish, buff-colored, fossiliferous beds of the carboniferous limestone, containing zoophytes, many specimens of large orthocera, fragments of which measured a foot long and more than four inches wide. The faces of some of the rocks are covered with fuci, and in some beds producta form almost the body of the rock. These fossiliferous beds are separated from the great sandstone beds of the country, which here go far below the level of the river, by a thick stratum of eighteen feet of compact subcrystalline limestone without fossils. Below this stratum nothing but sandstone appears.* The fossiliferous beds are accessible in numerous localities as far as the falls of St. Anthony. A stream which runs from Lake Calhoun—a beautiful sheet of water, about eight miles from the Fort—to the Mississippi, has worn its way back through the rocks from the river a short distance, and makes a fall there about fifty feet high, the stream being twenty feet broad. I obtained many fine fossils at this place, as well as at both banks of the Mississippi, up which I went to the falls of St. Anthony, a distance not much exceeding eight miles by water, and the banks not exceeding eighty-five feet, to the flat prairie land of the country.

An island about 450 yards long divides the Mississippi into two parts at the falls of St. Anthony, which have a very irregular outline, owing to the soft sandstone being washed out unequally in places, and the superincumbent strata of limestone falling down in large blocks; these are piled up in great quantities on the bed of the river immediately at the foot of the falls. That part of the river on the north side of the island is about two hundred and twenty yards in width. There is a very fine smooth section of the rocks here to the water, about 90 feet high. I should think the fall would not average more than twenty feet. The immense slabs which have fallen from the limestone beds at the top are covered with producta, mixed with spirifers and cardia. On the south side of the river the line of the falls is a very irregular curvature, and measures about four hundred and fifty yards to the island; the height of the fall does not appear so great on this side, owing perhaps to the bed of the river being so much choked up with the fallen slabs. It is a wild, rocky scene, but deficient in interest as a waterfall on account of its want of height. To a geologist, however, it is exceedingly interesting, finding here the uninterrupted continuation, for one thousand miles, of the carboniferous limestone, with its characteristic fossils. At the south side of the falls I got some exceedingly fine ones, including beautiful specimens of delphinula, bellerophon, nautilus, euomphalus, &c.

At Fort Snelling, the St. Peter's comes winding in from the southwest, through an ample valley, the banks or bluffs of which vary from one hundred to one hundred and fifty feet high. The valley is about a mile and a half wide, and contains a great deal of rich alluvial soil. On the right bank of the St. Peter's, about a mile from the fort, is the head establishment of the American Fur Company* for the trade with the Nacotah or Sioux Indians.

The St. Peter's,† which remained for me now to explore, is about one hundred and twenty-five yards wide at the nearest point to the fort, looks as if whitish clay had been dissolved in it, and runs with an extremely winding course, somewhat represented in the accompanying map, through the alluvial bottom, with low prairies on each side, and fine wooded slopes in the distance. The general direction of the river, as far as the Makato, or Blue-earth river, is about southwest; from this point it bends and describes nearly a northwest course to its source. Numerous chief of bands of the Nacotahs‡ have their villages on its banks, where they reside during the season of cultivation; and which are evacuated by them and their families during the hunting seasons. About six miles from the fort, on the right bank, is the village of Wahmundeetanka, or Big Eagle, called also by the Canadian traders Chien Noir, or Black Dog. A little higher up on the same bank is the village of Penichon. About sixteen miles from the fort a stream comes in from the right bank called by the Canadians Credit river, the Indians call it Kakahinhahah, or river where the elk was put, to commemorate, no doubt, some incident. A little beyond this the river narrows to about eighty yards, and has a N. N. W. course, but soon widens again with high grassy slopes of prairie land. About twenty-five miles from the fort the village of a chief called Six, is passed on the right bank. Passing a place on the left bank called La Petite Prairie, a stream comes in from the same side, which, from the distance from the fort, about forty miles, and other circumstances, appears to be the river which Carver§ gave his own name to. The Indians call it Do-do-do-ah, or Who sings of war. Something short of fifty miles from the fort, there is a short rapid with a strong current: the passage is on the right bank, which we soon got through by holding on to the bushes and vigorously applying the paddles. Above this is another rapid with sandstone in place on the right bank, the same as that at the fort. Further up, at a place called Weahkotee, or the Sand hills, there is another Indian village. Beyond this, for a great distance, the course of the river is very beautiful; a great profusion of trees, shrubbery, and high grass on the bottoms and slopes, when rich prairies with black fertile soil commence. The river is very serpentine in its course, and is continually opening new scenes: sometimes smooth conical hills, one hundred feet high, with coves like amphitheatres, present themselves, covered with verdure, and crowned with trees at the top, when, at another turn, a fine level prairie country comes in. Keetahmeemah, or Round Prairie, is about one hundred feet high, with a fine slope covered with grass. The Indians have given it this name because it is encircled with trees. Beyond this is the village of Wakondoanka, or Lively Spirit, whom the voyageurs call Le Bras Casse, having once had his arm broken. Before reaching Chankeootah, or Bois Franc river, the river narrows to sixty yards. This last stream comes in on the right bank, and is the northern limit of the Bois Franc district. This is in fact an extensive forest,

*In Mr. Keating's narrative of Major Long's expedition to the source of St. Peter's river, before referred to, it is stated, vol. 1, page 308, that this sandstone rests upon a slaty limestone, with a striped aspect, and that again upon other calcareous beds lying beneath the water level. This error is to be attributed to a hasty examination. At the bottom of the talus are heavy blocks of limestone, many of which lie flat in the river, but they have all fallen from the top. I not only compared and identified them, but examined the sandstone often at leisure, and it is never superincumbent to any bed of limestone there, descending much further below the water-level than it was possible to examine it.

*From the gentlemen at the head of these establishments I received many obliging attentions; and to Mr. Sibley of this trading post, I am indebted for an excellent guide and interpreter, an intelligent and faithful half breed, called Milor, a man universally known in the Sioux country.

†Called by the Nacotahs Minnay Sotor, or Turbid Water, in contradistinction to the Mississippi, which, coming from a siliceous country, is clear.

‡In Major Long's expedition to the source of the St. Peter's river, these Indians are uniformly called Dacotahs. I made particular inquiries amongst the chiefs, through my interpreter, and they all concurred in the assertion that their proper name was Nacotah. This word means a united or allied people. Dacotah means "my relations."

§Carver's Travels, page 74.

from twelve to fifteen miles broad by land, through which the river passes for upwards of thirty miles, on account of its very winding course. It is said to extend thirty or forty miles on each side of the St. Peter's. It is difficult to traverse by land on account of the swampy nature of the ground. I was also informed there was an extensive lake in the central parts of it, on the south side. The current becomes strong after entering the Bois Franc. As an evidence of the nature of the incidents which induce the Indians to give names to a locality, Mahahbohpah, or Swan on the ground, an elevated piece of ground with trees on it, on the right bank, may be mentioned. A Sioux shot a swan flying there. The islands in this river are small and edged with willows. On the banks of the river I have seen them forty to fifty feet high. Further up the Bois Franc district a stream comes in from the left bank, called Weetah-wakatah, or Tall island, and about five miles higher up some ledges of horizontal fawn-colored limestone jut out on the right bank, very cherty and somewhat vesicular; near the surface it takes a reddish salmon color, resembling very much some beds I had previously seen on the Wiskonsan and Upper Mississippi. Within a few yards of these ledges, and north of them, a beautiful pellucid stream comes in, containing the purest water I had seen in the country. I could not learn that any name had been given to it, and as it is in the immediate vicinity of the first calcareous rock I had met with in place here, and its purity rendering it a very rare stream in a country where all are turbid, I named it Abert's run, after Colonel Abert, of the United States army, and chief of the Topographical bureau. Higher up on the right bank is the village of Wahmundee Indootah, or Red Eagle. The next stream is Woitseah Watapah, or Rush river, rising far up in the country, and comes in on the left bank after it succeeds Chankeoota Oeanka, or the end of the Bois Franc or Free Wood district, a stream coming in on the left bank. About fifteen miles further we came to a place called Myakah or White rock, on the right bank, an escarpment consisting of about forty feet of granular sandstone surmounted by ten feet of fawn-colored limestone, the same as that at Abert's run. This sandstone is formed of semi-transparent grains, loosely adhering with nodules here and there, where they are cemented by a paste of clear siliceous matter, the whole making a hard, flinty mass, resembling siliceous oolite. At the junction of the limestone with the sandstone, there is a seam of marly mineral matter, containing a great deal of silicate iron, of a bluish green color. I had seen traces of this in the bluffs at Prairie du Chien. Eight or nine miles further on is Traverse des Sioux, an establishment of the American Fur Company. This is a noted crossing place of the Sioux Indians in old times. A short distance from this trading-place, a small stream comes in on the right bank, called Wee-wee, or Moon creek. This stream, before it falls into the St. Peter's, recedes a little, and describes a semi-circle before it approaches the river again, and repeats this several times, so that several small crescents are described by the stream before it joins the river. In the Nacotah tongue wee signifies the sun, and wee-wee, the moon, after which planet the Indians have named the stream, from the half-moon it forms. I was very particular in examining this locality, because it is the place where Major Long * abandoned the St. Peter's to perform the rest of the journey by land.

About two miles further on the limestone and sandstone are again in place, and about three more a long bluff, about twenty-five feet high, presents itself on the right bank with the same beds. These are succeeded in about five miles by a rocky bluff on the right bank, called Makassa-usa, or White-earth bluff, about seventy yards high. On reaching the top of this bluff a curious spectacle presents itself. The horizon to the east is bounded by a belt of wood about four miles from the river; from the wood an elevated terrace extends westward about one mile of smooth prairie land, whilst the remaining sunken portion is covered with tens of thousands of boulders of limestone and granite, some of them standing in the most grotesque manner, and separated from each other as the wild buffalo are when grazing; indeed, at a distance, they might very well be taken for them. Some of the boulders weigh, I should think, one hundred tons. To the south is prairie land, at a much lower level, with a lake; whilst on the opposite side of the river nothing can exceed the beauty of the wooded slopes, with a continuous smooth prairie beyond them. These are amongst the interesting proofs of the retreat of the waters in ancient times, and of their power to break up even the beds of the primary rocks. Beyond this point an island is passed about four hundred yards long, the largest yet met with. The current is now very strong for some distance, and from the continuation of bold bluffs, many of them with boulders on their sides, it is evident the river has worked its way through a ridge here. Chaneaska, or Fort river, has received its name from a strong hold which the Nacotahs had on the heights near it, during their wars with the Ha-hah-tons, or People of the Falls, the name they give to the Chippewas. About sixteen miles beyond this point, the bluffs on the left bank are about one hundred and fifty feet high; and here, after a very severe struggle with the current, we got the canoe into the mouth of the Makato Watapah, or Blue-earth river, the principal tributary of the Minnay Sotor. This is a bold stream, eighty yards wide at its mouth; and the St. Peter's, whose general course from its sources having hitherto been about northwest, now joined by the Makato, forces its way through the lowest part of the ridge, and gains the Mississippi in a course nearly northeast.

Having reached the Makato, it became my duty to enter it. Expectations had been raised by the publication of Major Long's* expedition, respecting some supposed copper mines which M. Le Sueur was said to have discovered about the beginning of the eighteenth century, not far from its mouth, and which Major Long, in passing up the St. Peter's, had not visited. The following passage,† with others, in the publication in question, gave so much importance to the affair, that it was deemed proper to make an investigation of the locality part of my instructions:

"Charlevoix states that Le Sueur was sent by M. D'Iberville to make an establishment in the Sioux country, and to take possession of a copper mine Le Sueur had there discovered. He ascended the St. Peter's 40 leagues, to la rivière Verte, which comes in on the left. Though only the last of September, the ice prevented him from ascending that river more than a league: he therefore built a fort, and spent the winter at that spot. In April, 1702, he went up the rivière Verte to the mine, which was only three-quarters of a league above his winter establishment. In twenty-two days they got out more than thirty thousand pounds of ore, of which four thousand pounds were selected and sent to France. The mine was at the foot of a mountain ten leagues long, that seemed to be composed of the same substance. After removing a black burnt crust as hard as rock, the copper could be scraped with a knife." A manuscript in the possession of the American Philosophical Society, written by M. Bénard de la Harpe, is also cited:‡ "It appears from this manuscript that Le Sueur's discoveries of blue earth were made in 1695, but that all further operations were interrupted until 1700. We find in the same manuscript, under the date of the 10th of February, 1702, that Le Sueur arrived at the

* Keating supposes the locality to have received the name of the Crescent, "from a beautiful bend which the river makes." Keating's Narrative, &c. vol. 1, p. 337.

* Narrative of an Expedition to the sources of St. Peter's river, &c.; 2 vols 8vo. By William H. Keating. Philadelphia, 1824.

† Vol. 1, page 316. ‡ Keating, vol. 1, p. 319.

mouth of the Mississippi that day with two thousand quintals of blue and green earth." The same manuscript is also said, in giving the details of Le Sueur's progress up the Mississippi, to state: "Finally, on the 19th of September, he left the Mississippi, and entered the St. Peter's river, which comes in from the west bank. By the 1st of October he had ascended this river forty-four and a quarter leagues, when he entered the Blue river, the name of which is derived from the blue earth found on its banks." "On the 26th M. Le Sueur went to the mine with three canoes, which he loaded with green and blue earth. It was taken from mountains near which are very abundant mines of copper, of which an assay was made in Paris by M. L'Huiller, in the year 1696."

I had, through my guide, (Milor,) neglected no opportunity to inquire amongst the Nacotahs respecting these mines, but I never could obtain any information, or even a traditional report, of any thing like a copper mine in that region. Many of the chiefs concurred in saying that there were some bluffs a few miles beyond the mouth of the St. Peter's, to which the Indians had at all times resorted to procure a blue earth with which they were accustomed to paint themselves; and one old chief had described the locality with great precision. He was very well acquainted with the whole country between the St. Peter's and the Missouri, and had often crossed the Coteau de Prairie, but he had never heard of or seen any thing like copper. This, however, was not particularly discouraging, as Le Sueur's mineral was described as being a green and blue earth; and it might very well be an oxyde or carbonate in the carboniferous limestone, as it is found in the Wiskonsan Territory. I therefore entered the Macato with some confidence. Its waters were extremely discolored, and I immediately saw they were the cause of the turbid state of those of the St. Peter's. When we had proceeded about a mile, we found a family of Nacotahs, of the Sissiton tribe, encamped on a sand bar, taking care of some venison they had just killed. The locality I was in search of was well known to them, and they gave us very intelligible directions. The current was exceedingly strong, running about two miles an hour, and the stream appeared to furnish about one half the volume of the St. Peter's. About three miles from the entrance of the river there is a singular conical hill covered with grass on the right bank, which I thought a very probable situation for M. Le Sueur's Fort L'Huillier, and I should have landed to examine it but for my anxiety to reach the blue-earth locality, and on account of the weather, the snow falling as we passed it, (September 22.) Near six miles from the mouth, a fork of the river came in from the left bank, about forty-five yards wide, on the right bank of which is a ridge of from eighty to one hundred feet wide, very well wooded, and fronting a prairie on the opposite side. We found very little current, the main stream having forced it back for some distance. About two miles up this fork, we at length came to a bluff, about one hundred and fifty feet high, on the left bank, containing the blue-earth locality. On climbing it, I found the same horizontal sandstone and siliceous sandstone common to the whole country. Towards the top was a broad seam of bluish clay, intermixed in places with silicate of iron, being a continuation of the deposite I had seen before at Myakah, and valuable only for the savages to paint themselves with. From this bluff I advanced in a westerly direction about two miles, over a part of the country grown up with small poplars, hazels, wild roses, and grass, in the hope of seeing the Coteau de Prairie, and making arrangements to proceed to it from this quarter; but I saw nothing of the kind from any eminence which I could gain; and having in my hand, and reading on the spot, what had been said of M. Le Sueur, his mountains, and his copper mines, I found myself obliged to come to the conclusion that these discoveries were fables invented to give him influence at the court of France. Before I left the northwest country, and after I had visited the Coteau de Prairie, I found it was distant at least sixty miles from this spot, which leaves only the bluffs of the river to represent the mountains spoken of in the manuscript of La Harpe.

Seeing the state of the country here, and having made up my mind to proceed up the St. Peter's to its source, and strike the Coteau de Prairie there, if the season admitted of it, I descended the Makato, which the natives informed me had eleven forks and was full of rapids, and regained the St. Peter's. The water above the junction was very clear, and had but little current for several miles, being somewhat kept back by the Makato; the stream is about one hundred yards broad, and runs for some distance through low, well-wooded banks, forming a very pleasing country. About twelve miles up the river, the slopes are covered with large boulders, near which the river narrows to about fifty yards, and gradually becomes shallow, its sandy bed being covered with very beautiful unios of various species, the beaks of which were not at all decorticated. Twenty miles from the Makato, the St. Peter's has made a recent cut-off and abandoned its old bed; not far from this place a large mass of sandstone is in place in the middle of the river. Minday Maha-tanka, or Great-goose (Swan) lake, lies nearly five miles north of this point. Further on, the banks of the river consist of about twenty feet of alluvial sandy loam, containing great quantities o planorbis, anculotus, and helices, to the bottom, of the same species now found.* About twenty-five miles from the Makato some red-earth bluffs occur on the left bank, with numerous boulders; from this point the general appearance of the soil and country begins to vary and announces a change in the formations, and five miles further some rocky bluffs come in at the left bank, the lower beds of which are a brick-red color and of a fine grain. On landing and leaving the bank, I found the country covered with beds of red gritstone, of a very hard quality, inclined about fifteen degrees. These rocks are full of pot-holes, some of them a foot in diameter and eight inche deep, and are as smooth as metal. The carboniferous limestone formation seems to terminate here, and to be stopped by a conglomerate resembling in its mineralogical characters the upper beds of the old red sandstone. The river has in old times passed over these rocks, worn the pot-holes, and made them so glassy smooth. The Warhajoo, called by the voyageurs rivière aux Liards, or Cotton-wood river, comes in from the right bank, at a short distance beyond this point; we turned the canoe into it for awhile, but were obliged to return on account of the shallowness of the water. Our distance by computation from the mouth of the St. Peter's at this place, was two hundred miles, estimated by the windings of the river, and we had more than three hundred yet to accomplish before we could reach the sources of the St. Peter's. There is a village of Sissiton Indians a little west of the Warhajoo. Five miles from this last stream, the St. Peter's winds, in a very curious manner, through rich alluvial bottoms, covered with sugar-maple trees: it goes round a tongue of land, at one place, the distance of one mile and five-sixths which is only twenty yards across at the base. It is called Eepah haska, or Long point, by the Nacotahs. There is another, a little higher up, of a similar kind: the river here is about one hundred and ten yards broad, varying in width, and gliding sometimes on one bank, sometimes on the other, in a serpentine course, through a valley of rich, black, sandy loam, about one and a half mile wide between the bluffs. The zizania is frequently abundant about here. The guide pointed out to me, on the right

* The alluvial banks of the Mississippi at Quincy are in like manner filled with these univalves; these deposites being the old beds of streams, like those before-mentioned at Fort Gratiot.

bank, the place where, in 1811, he had buried his employer, a trader of the name of Cameron, who, like many others of his vocation, go on struggling for wealth, and die unnoticed in the woods. About forty miles from the Warhajoo, I for the first time came upon a mass of granite in place, the river narrowing to about fifty yards. The voyageurs call this Petit Rocher. Further on there are large granite rocks in the river. Mr Moore's trading-house is in this vicinity, on the right bank. The granite henceforward is of constant occurrence, nor was any other kind of rock seen in place during my further progress to the northwest. From hence to a stream coming in from the left bank, called by the Nacotahs Weetah-chantahea-hantah, or island of dead wood that falls in the lake, and by the traders Beaver river, is a succession of rapids, masses of granite, and shallow water, often not more than one foot deep on the sand. Beyond this point, on the right bank, are huge outliers of granite for many miles on the prairie bottoms. The Chanshyapay, or Red-wood river, comes in a little further on, taking its name from a tree painted red by the savages. The St. Peter's is much obstructed by rocks and rapids before reaching this stream, but is wide and shallow after passing it. The voyageurs call it forty leagues, or one hundred and twenty miles, from the Warhajoo to Chanshyapay. Twelve miles further to the west, an outlier of granite, of great dimensions, stands alone on the right bank; and about eight miles further, there is a fine stretch of granite rocks, on the right bank, about fifty feet high and one hundred and fifty yards long. The interrupted state of these masses, and the numerous boulders found east of this formation, show the nature of the force required to tear up these unstratified masses from the valley, and transport them to so great a distance. The sandy bed of the river about here was covered with living unios. At one point, called by the Nacotahs Hahhah, or the Cascade, the granite stretched almost across the river, and made a fall sufficient to oblige us to unlade the canoe. The fall here throws an eddy on the right bank, which has worn out a basin about fifty yards by forty, and a broad ledge of granite is formed, about one hundred yards long and twenty wide, sloping to the southeast. The bed of the river is thus restricted to a passage of about thirty-five yards wide. South of this are numerous rugged granite hills. In this granitic country the bends of the river become short, the water being turned away by the rocks. Three or four miles beyond this point the river is almost choked up with masses of granite, at a place called Patterson's rapids, from a trader of that name who once wintered there. There is, in fact, no rapid at all; the progress, however, becomes difficult, and much care is required in getting a birch-bark canoe through this part of the river. I had come about one thousand miles in mine, and it had hitherto required very little repairs. An accident would have been a serious embarrassment, as there is no birch in that part of the country, and the Nacotahs do not, like the Chippeways, use canoes made of its bark.

Beyond Patterson's rapids the prairie-grounds come down to the banks of the river without a tree. There may be said to be two kinds of prairie: the alluvial bottom, a rich black soil, with wild grass from four to six feet high, sometimes a mile in breadth, and thrown up into innumerable small hillocks by the moles of the country; and then the upland prairie, forming the common table-land of the region, less rich than the other, but good soil, generally with low coarse grass, and the horizon uninterrupted by a tree. On the upland prairies here, I began to find calcareous boulders, formed of flat laminæ of salmon-colored limestones, with impressions of producta and spirifers, from which I concluded myself to be upon the southern edge of the granite coming in from the north, and that I might probably come upon the limestone again, if I should get far enough to the west.

The river now narrowed again to about seventy yards, and became so shallow that we were in constant expectation of being obliged to stop, notwithstanding I had made *caches* of our heaviest articles, by burying them in the ground. The daily fall of the water, too, created apprehensions as to the manner in which we should be able to accomplish our return. After walking through the brakes for some time, I came to a small stream on the left bank, called Chahtahnboah, or Sparrowhawk river, which the voyageurs, for some idle reason, have named Eau de Vie. Nearly opposite to this the Pahjeetah Zeezeehah, or Yellow Medicine river, joins the St. Peter's, its mouth almost choked up with wild rice. The main river now becomes about eighty yards wide again, the banks low, with great quantities of zizania; the slopes of the upland prairie on the right bank are well wooded; and a very good channel, from five to eight feet deep. At the termination of this channel there is another hahhah, or fall, with a rapid about one hundred yards long, through which the canoe had to be dragged by the men up to their waists in water. From here to the Grand Portage there is a succession of rapids. At this point the river makes a detour of three miles, the whole distance being one continued rapid, through which the canoe had to be dragged. The portage is one mile and three-quarters across, by land, and it was here the singularly-laminated rock occurred, which is spoken of at page 27, and which resembles granite in every particular except its stratification. The strike or direction of these masses is N. E. by E. and S. W. by W., dipping S. E., and I of course crossed their whole breadth at right angles. After passing the portage and re-embarking, four other rapids occur, three of them near to each other, and the fourth about a mile distant. The river soon reassumes its ancient breadth of one hundred yards, and winds through an extensive meadow edged with zizania. The otters were swimming about in numbers among the wild rice, and the water was almost covered with wild ducks and teal. The muskrats had already begun to build their tall conical houses in the water, formed of the straw of the zizania. Beyond this we passed a broad coulée, made by an immense herd of buffaloes, fifteen to twenty thousand in number, which had crossed the river here. The channel now becomes contracted and rocky again, a stream called Mea-wakon (by the traders Chippeway river) comes in from the left, about fifty feet wide at its mouth, soon after which the St. Peter's narrows to thirty-five yards. Here the prairies were on fire, and further on were burnt quite black down to the water's edge. The valley still continues about two miles broad, and the bends of the river are so numerous that I could see it in six different places from the slope of the upland prairie. These bends would be sometimes fifteen hundred yards round, and only sixty at the base. The river at length became very narrow, and so blocked up with fallen trees, that we were often delayed by being obliged to stop and cut our way through. The last stream which falls into the St. Peter's south of Lac qui parle, and which comes from the right bank, is called Chan-ilkpah-watapah, or the last wooded river. At Lac qui parle there is a stockaded trading-house of the American Fur Company, the residence of Reinville, one of the partners, an intelligent man, possessing a great deal of influence with the Nacotah tribes, having been brought up amongst them. The post is about a mile east of the lake, and is the rendezvous of great numbers of the natives. The voyageurs estimate the distance from the Warhajoo to the lake at eighty leagues, and as this estimate is the result of great experience, it is probably more accurate than any one that can be made by a traveller, whose progress is necessarily so irregularly conducted during a single expedition. Mr. Reinville informed me that the lake takes its name from a tradition that it had once spoken to a Nacotah chief when crossing it. The valley here is of the usual breadth, bounded by the upland

prairies, and the lake is but a prolongation of it. The river dwindles into a mere half-choked-up channel at low stages of the water. The country around continues to be very fertile, the potatoes at the post are of a superior kind, dry and large, and the corn ripens well, so that the country is sure, some day or other, to have a full population.

Here I deposited my canoe, finding it delayed our progress, and took to the land, coasting Lac qui parle on the northeast side, which is nine miles long, to the Wahboptah or Prairie-root river, where the natives dig a sort of ground nut they are attached to. This stream, which has some trees on its banks, is about thirty feet wide, and is estimated to be about five leagues from the post. From hence I advanced across the Bald prairie about seven leagues, one-half of which was quite black with the extinct fires. During the march there was no protection against the piercing northeast wind, full of humidity. The whole distance was strewed with boulders of granite rocks, flat pieces of yellowish limestone, with impressions of encrinites and other fossils of the carboniferous limestone, and skeletons and detached bones of the buffalo. No rock in place was seen of any description whatever. Numerous small stagnant pools of water occurred, but none that could be drunk. On reaching, at sunset, after making painful efforts to do so, the only trees, at a place called Grosses isles, where materials were to be had to make a fire for the night, we were so sick at the stomach, from cold and inanition, that it was with much difficulty we succeeded in producing a light, and then we had to boil, skim, and strain the stagnant water, before we could use it. The succeeding day we had to march eighteen miles during the most severe weather, to a place where some bushes grew, but without trees. On approaching it within a mile, it looked like a pond of bright water; innumerable quantities of wild geese, and large white ducks with black tipped wings, were hovering about it. When we reached the place we found it was a dried-up pond without a drop of water, the surface being covered with a white pellicle of carbonate of lime. It was from the neighborhood of this place I first saw the Coteau de Prairie stretching up and down S. S. E. and N. N. W. There was a great abundance of planorbis and lymnea here, larger than any I had seen before. The Coteau appears to have its name very appropriately, being to the prairie that sort of termination to the horizon which a coast is to the sea. After another inclement march the joyful sight of a few scattered trees presented itself, and descending the upland prairie, I reached the last trading post of the American Fur Company in this quarter, on the east side of Lac Travers. This body of water, so called from its running *à travers*, or at right angles from the course of the adjoining lakes, is about twenty miles long, and runs N. E. by N., by compass. The waters were turbid, having no outlet in the dry part of the season, and were at this time, from continued evaporation, not very palatable. At other times of the year it discharges its water in a northerly direction, into Red river of Lake Winnipeg, and during the greatest freshets it overflows the valley which separates it from Lake Eatatenka, at its south end. The greater part of the boulders in this neighborhood are flat pieces of limestone, but I never could find any in place. The sandy loam of the prairies is about one hundred feet deep, judging from the water-level, and effectually conceals the rock formation below. From this place I proceeded to the Coteau de Prairie, keeping down the southeast side of the lake, and crossing a valley about one mile broad, which separates the lakes, the north end of Minday Eatakenka, or Big-stone lake, as it is vulgarly called, being two miles from Lake Travers. Having regained the upland prairie to the northwest, where there are some large mounds, and following the northwest branch of the St. Peter's, (now an inconsiderable rivulet, running in a very deep ravine, and often not more than six feet across, but very pure water,) I came quite in front of the Coteau de Prairie, separated from it only three or four miles, covered by a vast number of sand-hills.

In this part of the Northwest Territory it is very seldom that trees are found where there is no water. The first care of the traveller, in a region where there is nobody to assist him, is self-preservation; his principal attention, therefore, is directed to trees, especially at the setting in of winter; without fuel he would be frozen to death in the night, and fortunately where there is fuel there is also water, unless it has been absorbed. The course of the small streams which form the principal sources of the St. Peter's, is along the wooded lines on the flanks of Chhray-tanka, or the Great Hills, the name given by the Nacotahs to the Coteau. This word is pronounced very guttural and rapid. Wherever those dark spots and lines were seen on its side, water was generally found. On these extensive plains objects are deceptive, from there being nothing to compare with them. An eminence at a distance will appear two hundred feet high, which, when reached, will not be fifty. A prairie-wolf looks, when running, like a deer; a small rock like a buffalo. I have seen an antelope rear up on its hind legs, as they always do to look at objects, and could have thought it a cameleopard. At a distance of fifteen miles the Coteau looked like a lofty chain. Mr. Keating assigned to it a height of one thousand feet.* The illusion was dispelled as soon as I came near it. The ascent is so gentle at the place where I began to ascend, that I was hardly aware I was going up hill. The ascent perhaps continues two and a half miles, and is not more than at the rate of one hundred and sixty feet to the mile. I do not suppose the Coteau to rise more than four hundred and fifty feet above the level of the upland prairie. The Coteau itself is another upland prairie, somewhat more diversified than that I had left behind, having numerous small wooded lakes on its surface, which have a very picturesque appearance. From the plateau here there is a very extensive view of the prairies below, with the lakes. The prairies in every direction are bounded only by the horizon; a few occasional trees indicate stagnant water. It is two good days' march from hence to the river Shyan, and eight further to Pembina, on Red river of Lake Winnipeg, the whole of it over a prairie country with many small lakes and occasional wood. The Nid de Tonnerre, or Nest of Thunder, a name derived from some Indian tradition, comprehends a small tract of country with a very irregular surface, where knolls, depressions, and small wooded lakes prevail. The sand hills I have before spoken of as lying in front of the Coteau de Prairie, extend into this vicinity, and still farther to the northwest. Farther to the northwest are several saline lakes, one of which, named Saline lake on the map, is about ten miles long. On the shores of these lakes crystallized salt is found in dry seasons, when the surface has been much evaporated; muriate of lime appears to be mixed with it. As there is no rock in place around here, conjectures only can be formed upon the nature of the subjacent beds. About thirty miles from Lake Travers the Psee, or Wild-rice river, flows east of north to Red river, rising principally in a small lake at the foot of the Coteau. From this stream there is a constant line of sand hills to the Shyan, a shallow stream about thirty yards wide, with plenty of wood. The buffalo abound about here, but seldom come much farther south. For twenty to twenty-five miles from this stream, the country on the left bank is hilly and dry, and more easily travelled over than on the opposite bank, which is much cut up by coulées. Another Indian locality now presents itself, called the Grizzly Bear's Den, a lofty hill on the south side of the Shyan. From this place it is five days' march to Lac du Diable.

* Vol. I, p. 360.

The Coteau de Prairie, about which very little has been known, is a very broad ridge of land dividing the waters tributary to the Missouri from those which discharge themselves into the St. Peter's, and into Red river of Lake Winnepeg. Its general direction is about N. N. W. and S. S. E., though in places it appears to be irregular. To the south it comes down to the sources of the Mekato, whilst to the north it terminates for a while near the sources of the Psee, when a flat country comes in, intersected by the Shyan and Goose rivers. Lac du Diable* is in this area, with Turtle river. Here the Coteau rises again to the north, but is called the Pembina hills by the traders; these extend beyond the Assinaboin river, and die away about Flat lake, near seventy miles from Lake Winnepeg.† East of the Pembina hills there are salt-springs, and from the somewhat vague accounts I received from the Indians, there is coal in their vicinity. A very respectable trader informed me he had once picked up some bituminous coal on the shore of Lake Travers.

Between Lake Travers and the Missouri there are four of these ridges: Coteau de Prairie, on the surface of which there is nothing to be seen but small wooded lakes, with immense quantities of muskrats, and which extends four days' easy march to a valley through which a fine stream called Chaneaska or White-wood river flows. This stream, which the voyageurs have named rivière au Jacques, rises in the flat area where Lac du Diable is; it is well wooded, and joins the Missouri about the forty-third degree. The next parallel ridge is about one day's march to rivière aux Ormes; then another small ridge occurs, with a stream separating it from Minnay Shoshoh-chhray,‡ "high hill of the muddy river," which the voyageurs going up the Missouri have called Coteau de Missouri, having it on the right. The distance from Lake Travers to the Missouri, across this part of the country, is equal to seven days' march, and the Mandan village, in 47° 30′, can be reached in the same time.

Finding the whole country buried up in sand and clay, no rock in place of any kind, and constantly admonished by the approach of the winter, I determined to return by the south side of Minday Eatatenka, or Big-stone lake. Descending the Coteau, I had a weary march across the burnt prairies, and with nothing to attract attention but the extreme beauty of the mirage and the distant tops of a few trees, I reached Eatatenka, an extremely beautiful piece of water. Where I struck the lake it was impossible to get to the water's edge, on account of the great breadth of the swampy ground, covered with rushes eight feet high. From the high land there was a fine view of the lake, curving for a great distance, with occasional bluffs two hundred feet high. Near its banks the land is of the finest quality, but is sometimes intersected by coulées. I went down one of them towards the lake, and found it terminate in about one hundred and fifty acres of very rich land, forming a singular wilderness of trees and briers, with a stream of fine water flowing through it. The remains of a large Indian village were there, and on rising the east bank of the coulée there was a mound which overlooked the country. Towards the southeast termination there is a fine low dry prairie, and a good beach, which enabled me to get some unios and anodontas. Below this are some large islands, with Indian villages. The lake, which is generally very well wooded, terminates in a low marshy piece of ground, and was here covered with such great quantities of wild fowl, that they made a noise like thunder when they arose. Its extreme length is about thirty-six miles, and it averages about one mile and three quarters in width; the north end for a short distance runs north and south, the central part bears nearly east, and at the other end it inclines to the southeast. From here the distance to Lac qui Parle is about thirty miles by the St. Peter's, which is only navigable when the waters are high; the stream was very small when I crossed it, and ran through low meadows of tall wide grass, which fill this continuation of the valley between Lac qui Parle and Eatatenka. Having crossed the valley here, I found myself suddenly amongst immense masses of granite in place, isolated from each other, and occupying several hundred acres. Some of these masses are twenty-five feet high, they extend six or eight miles down the valley, and give its name of Eatatenka, or Great Rocks, to the lake. On the south side of this valley, not far from the lake, a stream comes in called Zoozoo Watapah, or Sandstone river; it rises high up in the prairie, and is a large stream at some seasons. Lower down another stream comes in on the same side, called Chhray Wakon; this also rises far in the Coteau, and takes its name from a lofty mound near which it passes, named Chhray Wakon, from a miraculous tradition which the Indians have preserved. As they esteem all medicine to be miraculous, the voyageurs frequently translate the word wakon, which generally means something supernatural, by "medicine." Thus the French have called this stream rivière de la Montagne Medicine. Advancing to the southeast I found the prairies on fire in every direction, and having regained the canoe, succeeded, with a great deal of exertion, in descending the St. Peter's and in reaching Fort Snelling, which place I left with two feet of snow on the ground, and exceedingly severe weather.

Being desirous of examining the country from Prairie du Chien to the mouth of the Missouri, more in detail than I should have been able to do if I had taken my passage in the steamboat, I continued on to Dubuque's and the town of Galena in my canoe. Sulphuret of lead is found in various places between Prairie du Chien and Cassville, a new settlement on the left bank of the Mississippi. At Dubuque's lead mines the limestone appears identically the same with the galeniferous beds of Missouri. The fossils also are the characteristic fossils of the carboniferous limestone. The galena itself, however, differs in appearance from that which constitutes the solid and brilliant bands* of sulphuret in the Missouri mines. There, although it has an evident tendency to separate into cubes, the lines of cleavage are generally obliterated, whilst here the sulphuret consists of aggregates of perfect cubes, of a very dull and rubly appearance, and lying in loose masses in cavities of the limestone beds, mixed up with ochreous earth. I found this to be the universal state of the metallic beds also on the left bank of the Mississippi. In Missouri the veins of galena are exceedingly bright, and are encased in wet, waxy, red, argillaceous matter, whilst in the galeniferous region of this part of the country, some electric action seems to have dried up the argillaceous matter, and to have separated the metal into cubes, and broken it up into masses. In the neighborhood of the town of Galena, I perceived the veins went very much into those pockets common to metallic countries;† here they appear to prevail through extensive areas of country; shafts are sunk to great depths through the dry red earth, and the masses of cubical sulphuret are always found in the condition I have described. I think it very probable that the lead formation of this part of the United States extends to the north far beyond the places where excavations are now carried on, but the activity, perseverance, and great re-

* The Nacotahs call this Lake Minday Wakon, or Great Spirit's lake; but as they attach a supernatural feeling to many things they do not comprehend, and apply the name of Wakon even to a powerful magnet, the Canadian voyageurs often mistake the Indians, and in this instance have given to this lake the now popular name of the Devil's lake.

† I have thought it might be useful to give geographical notices of some localities of this unfrequented region: those which I did not visit myself are from good authority.

‡ It is extremely probable that this is the origin of the word Missouri. The first time I heard a Nacotah pronounce Minney Shoshoh-chhray, slurred rapidly together, as is their way, it produced just such a sound as an illiterate voyageur would convey by *Mishouray*.

* Report 1835, p. 48. † Report 1835, p. 49.

spectability as to the character and resources of the population engaged in the lead business of the Galena district, will in time lead to its development wherever it may be. When the present veins are exhausted, shafts will be sunk still deeper. There is, in fact, good reason to believe that the whole distance between the lead mines of Missouri and those of Dubuque's, is comprehended in the galeniferous formation. At Mineral point, a day's ride from Galena, there are also copper veins, indications of which I saw in coming down the Wiskonsan. The veins are nearly vertical, and the carbonate produces thirty-five per cent. of copper.

The Mississippi, from Fever river, continues about the usual breadth, but has comparatively few islands in it; the country is exceedingly beautiful, the banks abounding in gentle slopes, with scattering trees and occasional escarpments. In the vicinity of Rock river bituminous coal is found in many places, lying in the beds of the carboniferous limestone on both sides of the Mississippi, like those previously described in the State of Illinois. At the foot of the Des Moine rapids, near the place called Keokuk, the beds of carboniferous limestone are full of siliceous geodes, some of them a foot in diameter, and of great beauty and variety. In some instances I found the geodes containing accidental minerals; pearl spar covering the faces and terminations of the quartz crystals, and this again sprinkled over with a profusion of minute cubes of sulphuret of lead. Continuing down the Mississippi, along the bluff of the carboniferous limestone, and passing the mouth of the Missouri, I reached the city of St. Louis, in the State of Missouri.

From this place the geology of the country south to Red river, and southeast to the Atlantic, has been already sketched out in my report of 1835.

I have the honor to remain, &c.,

G. W. FEATHERSTONHAUGH,
*U. S. Geologist.*

*Explanations of some Geological Terms used in this Report.*

*Anticlinal*—where the beds dip contrariwise, like slates on the opposite sides of the roof of a house.

*Brachiopoda*—molluscous animals inhabiting certain shells, with spiral arms, serving the purpose of locomotion.

*Conformable*—beds whose planes or faces conform in parallelism to each other.

*Conglomerate*—rocks formed of fragments of older rocks, usually rounded into the pebble form by the action of water.

*Cleavage*—lines in slates and other rocks which resemble the lines of stratification, but which run in a different direction. The intervention of a siliceous seam, or sometimes the position of fossils, will determine doubtful cases.

*Formation*—a bed or group of beds, deposited at an epoch independent of that during which the beds it lies between were deposited.

*Goniatites*—a chambered shell, with a siphuncle, spirally striated, resembling the ammonite and nautilus.

*Ichthyodorulites*—defensive fin bones of an extinct shark-like species of fish.

*Ignigenous*—rocks having their origin from fire, in contradistinction to those having their origin from water.

*Lignites*—carbonated fossil wood.

*Mural escarpment*—perpendicular cliffs, presenting a section of beds like a wall.

*Nacre*—the brilliant iridiscent appearance on the surface of some shells.

*Outlier*—a mass of rock detached from the general formation of which it once formed a part.

*Radiaria*—animals including echinites, encrinites, &c.

*Rock*—all beds, whether hard or soft, are, in geology, included in this term.

*Section*—when the edges of a series of beds show themselves on the banks of a river, or in any escarpment, as if the formation had been cut through, this is a natural section. Rivers cut through their beds usually by retrocession.

*Seam*—a thin parting between thicker deposites.

*Sedimentary rocks*—deposited from water.

*Septaria*—calcareous concretions, divided by irregular lines of carbonate of lime into septa or chambers.

*Siphuncle*—a tube passing through the septa of concamerated shells, to enable the animals to rise and sink in the water.

*Stratum*—a bed or deposite distinct from another bed.

*Stratified*—deposites formed by beds lying upon and usually parallel to each other.

*Strike*—the direction of the edges of beds at right angles to their dip, as we say to *strike off* in any given direction.

*Synclinal*—where the beds converge towards each other in concave lines.

*Talus*—a slope at the foot of an escarpment, formed of the fallen materials.

*Unconformable*—beds whose planes do not conform in parallelism to each other.

*Unstratified*—amorphous masses, without any appearance of stratification.

*Zoophytes*—animals producing coral rocks.

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[Appended to the above report are twenty illustrative diagrams; a map of a reconnoissance of the St. Peter's river to its sources; and a map of a portion of the Indian country lying east and west of the Missisippi river, to the 46th degree of north latitude, made in the autumn of 1835, from personal observation: which maps and diagrams, the publishers regret that it is not in their power to place with the report in the Register of Debates. As frequent reference is made in this report to an "Examination of the elevated country between the Missouri and Red rivers," made in 1834 by the same gentleman, it is deemed proper, in order to give a full view of what the United States Government has done, by its authority, in aid of the geolgical reconnoissances of the country, to include that report also, in connexion with this.—Editors.]

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*Geological report of an examination made in* 1834, *of the elevated country between the Missouri and Red rivers. By G. W. Featherstonhaugh, U. S. geologist. Printed by order of the House of Representatives.*

War Department,
*February* 17, 1835.

Sir: I have the honor to transmit, herewith, together with a report of the officer in charge of the Topographical Bureau, the report of Mr. Featherstonhaugh, called for by a resolution of the House of Representatives of the 14th instant.

Very respectfully, your most obedient servant,

LEWIS CASS.

Hon. John Bell,
*Speaker of the House of Representatives.*

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Topographical Bureau,
*February* 17*th*, 1835.

Sir: I have the honor to submit to you "the report of G. W. Featherstonhaugh, Esq., employed in virtue of the act of June 28, 1834," called for by a resolution of the House of Representatives of the 14th instant.

I am, very respectfully, sir, your obedient servant,

JOHN J. ABERT.
*Lieut. Col. Top. Engineers.*

Hon Lewis Cass,
*Secretary of War.*

## REPORT.

WASHINGTON CITY,
*February* 17, 1835.

Lieut. Col. J. J. ABERT,
*U. S. Topographical Engineers:*

SIR: In obedince to your instructions, dated July 12, 1834, to repair to some point on the northern boundary of the Territory of Arkansas, and personally inspect the mineral and geological character of the highlands and water sheds where the public lands are situated, of that elevated country lying between the Missouri river and Red river, known under the designation of the Ozark mountains, and limiting my return to the seat of Government, to make my report, to the 1st day of February, 1835, I have the honor to state:

That, having executed those instructions, I reached the city of Washington on the evening of the 31st of January, 1835, having accomplished a distance of four thousand six hundred miles during my journey, of which upwards of three thousand miles were effected by land.

Before I enter upon the details of this report, I beg to observe, that, aware of being directed in my instructions to the examination of the public lands exclusively, if, for the purpose of illustration, I should apply the geological information I possess of other portions of the structure of this continent, it will be because I am invited in my instructions to do so, and from which I beg to quote the following passage:

"Although, by these instructions, your investigations are limited to the Territory of Arkansas and the adjacent public lands, it is nevertheless desirable that, in the report to be made by you on your return to this city, whatever geological information you may possess, which can be usefully applied to the illustration of the investigations you are about to make, and which may aid in developing the resources of the countries you are directed to examine, and their geological connexion elsewhere, should be fully stated for the information of the Government."

Geology being altogether a science of observation, and the cautious spirit of the present times giving no weight to any opinions which are not founded upon the practical examination of physical phenomena, I venture to pledge myself that this report will be in accordance with a rigorous regard to this salutary temper of the age; that all the facts contained in it are the result of my own personal examinations; and that the opinions I shall have occasion to advance, respecting the geological structure of those parts of the United States described herein, appear to me to be plain deductions from a long series of personal investigations effected in Europe and on this continent.

It is also from a sincere desire to make this report as permanently instructive as possible, that I have thought it advisable to prefix to the details of my late observations a brief account of those leading principles of modern geology which are the result of the labors of some of the most eminent men in Great Britain, France, and Germany—men whose names obtain the willing confidence of Europe and America. Honored as I have been in the selection to perform this important duty, I should think myself greatly wanting in an earnest desire to make my labors extensively useful, if I were not to endeavor to make this report as transparent to the intelligence of all who may read it as the nature of the subject may admit of; and this I could not do, considering the present state of geological knowledge in this country, if I were simply to relate what I have seen, and then come to general conclusions, without illustrating the subject by such an exhibition of the principles of the science, and by such an application of legitimate reasoning from them, as would bring out the facts I have observed in prominent relation with the general mineral structure of the globe; with the design not only of satisfying those least conversant with the science of geology of the great usefulness and beauty of the science, but of enabling them to form a competent judgment as to the accuracy of my own labors, and the degree of confidence due to my own opinions. Had my report been addressed only to the scientific few, I am aware that this would have been superfluous; but as the appointment I have been honored with was for the benefit of the many, so I must ask to be permitted to consider myself as still acting in that relation to the country.

Practical geology can be conversant only with the crust of the globe, being that portion of it which is comprehended between the lowest observed depths of any mines, and the greatest elevation of any mountains. It is within these limits alone that observations can be made, if we except examinations of those mineral substances which have, at various periods, been ejected in a state of igneous fusion, by volcanic action, from the more central parts of the earth, such as the lavas occasionally proceeding from the active volcanoes of our own times. But this superficial portion of the globe, which may be estimated at a mean depth of about seven miles, is comparatively insignificant in its proportion to the mean radius of the earth, which may be estimated at about three thousand nine hundred and fifty five miles; still it is sufficiently comprehensive for the whole economy of nature, both external and subterranean; and the immense disproportion between it and what lies beneath it, instead of leaving an impression of the insignificance of that proportion upon our minds, leads them to the contemplation of the immeasurable power of that expansive agency which we know, from the evidence of volcanic action, has, even in our own times, a modifying effect upon the superficial part of the globe, and which it is not unreasonable to believe may have been, in all time, in a constant state of exertion in that immense and impenetrable space comprehended within the diameter of the earth. Knowing, as we do, that the crust of the earth has been constantly modified by subterranean action, and believing, as a great majority of modern geologists do, that all its mineral characters are most rationally accounted for by the direct and indirect agency of such a power, we cannot avert ourselves from the consideration of so magnificent a provision for natural operations; and hence men have ceased to attempt explanations of the economy of the earth's structure, by an hypothesis of entire aqueous action.

But we are not to regard the radial space as a mere vacancy where igneous action is exerted, but as a field where it acts upon matter in states and conditions of which perhaps the scientific chemist has but a faint conception; for we are taught, upon the authority of eminent philosophers, that the density of the interior is much greater than that of the crust. It will be perceived, from this mode of reasoning, that the force of such a radial space, acting under such conditions, could not but produce results equivalent to the grandeur of its power, and which might justify geologists in referring the origin and actual state of what is called the crust of the earth, to its direct and indirect action.

If we consider the opinions of some distinguished philosophers, who believe that our earth is an ancient igneous body which has for long periods been cooling, we certainly find a relation between such a process and the lowest rocks in the geological series usually called primary; these rocks being all considered by the most eminent geologists and chemists to be the result of mineral matter cooled down from a state of igneous fusion. But those rocks, which are found at the lowest points where geological examinations can be made, constitute also, sometimes, the loftiest summits of mountains—a seeming paradox to those who have not turned their attention to this subject.

The mean height of the continents of our globe, which, with its islands, stand, in relation to that portion of the

surface they occupy, comparatively to the sea, as about one to three, is thought to be near two miles; whilst the sea is considered to have about an equivalent mean depth. If, therefore, at any period in the history of our planet, the mineral matter constituting the dry land has been distributed beneath the waters of the sea, an arrangement, as we perceive, very possible, and apparently probable, the planet would then have been entirely covered by water. In such a state of things, we have no cause to which to refer the origin of our continents and islands, save the expansive subterranean force before alluded to, which could raise them from the bottom of the ocean, and above its level. It is most satisfactory to reflect, that, without any reference to this theory, the progress of geological investigation has led the leading geologists in Europe to the conclusion that not only continents have been in this manner raised, but that all the important chains of mountains have in like manner been protruded from below; and, in many instances, the proofs are obvious, of the dislocation of the stratifications through which they have burst, to rear themselves to the lofty heights they have attained. It will be apparent to every one that successive upliftings of mineral matter would displace an equivalent cubic quantity of water, and that in proportion to the amount of mineral matter protruded, would be not only a corresponding agitation of the adjacent ocean and formations of currents, but an abrasion and partial destruction of pre-existing lands, the ruins of which, often extremely broken down and comminuted, would be deposited at the bottom of the ocean, to be again, at some future period, like sedimentary beds derived from whatever sources, elevated above its level.

In these direct and indirect operations of the expansive power beneath the crust of the globe, have been perceived the happy means of compromising the conflicting views entertained respecting many important geological phenomena; since both the results of igneous action and aqueous deposition can be referred to the same cause, as well as the paradoxical appearance of rocks of the same class, of undisputed igneous origin, which have been observed at the lowest depths of the crust of the globe, and at its most elevated summits; these latter being evidently thrust up from below.

The application of these views of subterranean action, which are not sketched here from a theoretical predilection, will be found highly important in relation to the structure and continuity of metallic veins. The mineral resources of the United States appear to be commensurate with the grandeur of its other physical features, whilst there is still much hesitation about the introduction of systematic mining. It was a prevailing opinion, whilst the Wernerian theory obtained, that metallic veins were filled in by deposites from above; and it has been extensively believed in this country that the galena, or sulphuret of lead, found in the State of Missouri, was a mere superficial deposite. Opinions of this kind operate powerfully to restrain capitalists from giving their confidence to mining undertakings in an efficient manner; they are afraid to invest their means beyond an amount necessary to conduct partial diggings and excavations near the surface; whereas, if they were satisfied of the reasonableness of the opinion that metallic veins have their origin from below; that the veins, which have repaid them moderately near the surface, are generally considered to improve at a depth of five hundred feet; that they have been successfully followed up and cut out at three times that depth, and that we have no practical evidence of their want of continuity to infinitely greater depths, they would not hesitate to sink their shafts and establish their works upon a scale of magnitude corresponding with their confidence, and producing results favorable to national industry and to their own just expectations.

But laying aside this branch of the subject at present, and reverting to the supposed igneous central action of this planet, it would seem to invite an important consideration, whether, if this action be general, the results produced by it may not, with some modifications, be expected to present a close affinity in their general character throughout the globe.

The European geologists have examined the structure of a great portion of their eastern continent with unrivalled perseverance and energy, having brought to the consideration of its phenomena all the acumen of which mineralogical and chemical learning is almost susceptible; and now their most eminent men call for geological investigations of this western continent as most important desiderata in physical science. It has been deemed by them necessary, for the further advancement of the science, to have a comparison instituted between the geological formations of this western world and their own portion of the globe, in order to determine how far the phenomena common to both belong to causes which have been cotemporaneous, or of the same class; whether the principles which have determined the structure of the one, have been the governing cause in the other, and to what causes any discrepancy may be assigned.

This inquiry is of deep interest to this country, not simply as one which leads us into a field of philosophical research, highly favorable to enlargement of the intellectual powers, but as pregnant with utility in relation to the business pursuits of life, enabling us to apply the fruits of their long and rich experience to the immediate development of the mineral resources of this country, and returning to them some measure, at least, of information for those inestimable labors which have preceded our own investigations. Strongly impressed with these views, I have constantly endeavored to make them auxiliary to my late examinations. In concisely submitting the arrangement of rocks, as it is declared to exist, and as I have observed it in Europe, with a comparative view of the principal formations in those parts of the United States I have lately visited, I shall not advert to the numerous divisions into which the whole known series of rocks has at various times been thrown. The voluminous literature belonging to modern geology has produced numerous classifications from the geologists * of France and Great Britain, all of which, however useful in the study of the science, appear destined to fluctuation and change in its progress, like the graceful and waving lines formed by the rippling on the sea beach, which are modified or obliterated by every new breeze impressing the coming tide. From circumstances no longer subject to control, the science and letters of Great Britain will forever become an inherent part of the intellectual power of this country. The old and simple divisions of primitive, transition, secondary, and tertiary, to which the English geologists so long adhered, and which have been adopted in this country from their elementary works, are, it is true, not free from objections, but they are convenient and familiar here; and since all classifications are imperfect, and subject to change, I have thought it best, where classification must be resorted to for purposes of illustration, to use that which is best known, with no disposition, however, to assign any value to it beyond the facility it gives me of making myself understood.

Geological observations, made in numerous parts of the world, have shown that the inferior part of the whole series of rocks is distinguished by characters which do not belong to the superior portion.

It is to a great degree unstratified; the lowest, amorphous masses, having a confused, irregular, crystalline, *granular* structure, composed usually of quartz, felspar, and mica, whence they have received the designation of *granite*.

* Al. Brogniart, a rare example of learning and genius in France; Coneybeare and De la Beche, two of the most eminent geologists in Great Britain.

This rock, in some instances, is beautifully studded with crystals of felspar, and is then called porphyritic granite.

It contains metalliferous veins, bearing tin, copper, iron, gold, silver, and other metals.

From a careful study of all the circumstances attending them, it is now the general opinion that rocks of this class are the result of igneous fusion, and to which the term ignigenous is suited.

Other members of this inferior portion of the geological series, though partaking largely of the preceding characters of the granitic rocks, are very different in their external appearance. The rocks called gneiss, which are often found superincumbent on the granite, have a more regular arrangement of the planes of the mica contained in them, which give them frequently an appearance of stratification resembling that produced by deposition from water; how far this may be owing to a distribution of the plates of its mica parallel to its strata, and which appears to be the immediate cause of its fissility, cannot now be asserted: this, however, is true, that the granitic rocks and the gneiss pass sometimes into each other so completely, and the former are often so enclosed in the latter, that I have frequently on this continent taken specimens of the gneiss, especially from near Richmond, in Virginia, which, if placed in a cabinet, any mineralogist would pronounce a true granite; and certainly nothing is more common here than to observe broad veins of true granite passing into the beds of gneiss, and, indeed, the granite alternating with the gneiss.

There is another important rock, known under the name of mica slate, which is usually destitute of both felspar and hornblende. The gneiss, which contains more mica than hornblende, appears to pass into this, and the difference between them to be owing to the absence of some of its constituents.

The mica slate itself passes into talcose slate, talc being substituted for mica. This last is a mineral formation, in which the auriferous veins of the United States are found, the veins in some parts of the country passing through a field of talcose slate several miles in breadth, whilst in others they are sheathed only, as it were, in the talcose slate, and pass through a field of elvan and granitic rocks of various kinds.

The other most important members of this inferior portion of the geological series, commonly called primitive rocks, are statuary limestone or white marble, serpentine, greenstone, quartz rock, the varieties of hornblende rocks and slates, and clay slate, the regularity in superposition of which to each other has not been satisfactorily established.

The rocks hitherto enumerated have one common character; they contain no organic remains, and may, therefore, properly be called inorganic, in relation to animal and vegetable bodies.

All these rocks, so different from each other in their external appearance, have, with the exception of the statuary limestone, no greater difference than is constituted by the presence or absence of some mineral constituent, or the difference of proportions. Some of the most important members, such as granite and gneiss, contain silex as a constant constituent, others contain magnesia, and some hornblende; but a serious study of the whole, and of the relation in which they stand to all other rocks, impresses a strong opinion that they owe their origin to the same cause, and that they have all, at some period, been either ejected from central depths by the expansive power generated there, or that they have been great intumescing masses, which, on cooling, have resolved themselves into various stages of crystallization, and that their varying products have been brought into fusion or solution from distinct central localities, some of the differences between them having been occasioned by a chemical action, more easily imagined by us than described.*

But these masses, both amorphous and stratified, contain granite and other veins, which have obviously passed through them subsequent to their original formation, since we see that, at their passage, the intruded rock has been dislocated from its continuity, and that a violence of subterranean origin attended it.

Nor has the laboratory of nature yet ceased its action; the granitic rocks, such as we find injected into their cognate masses, do not, it is true, flow from recent volcanoes; but the trap rocks, which are but modifications of primitive mineral masses, have been found injected into them in both hemispheres, and are still poured out of modern volcanoes in the form of lava. These intrusions of granitic and trappean matter, including the greenstones, are common to all the geological periods. In the Alps, modifications of the granitic rocks are found overlying fossiliferous strata, with small metalliferous veins in both formations, near the point of contact.† All these intrusive bodies, from the most ancient granites to the modern lavas, appear to be modifications of each other, originating in the same cause, produced by the same means, but varying in their constituents, and the manner of their consolidation. Mr. Lyell states "that the lava in the crater of Stromboli, one of the Lipari islands, has been in a constant state of ebullition for the last two thousand years;" and as this must communicate with deeper foci, a central igneo-expansive power, in unceasing action, seems to form a great constitutional principle of the planet; indeed, some inhabited parts of the globe are supposed to be in an actual state of gradual elevation. Yet these apparently fearful dynamics are but means in the hand of Providence to establish the most grand and beautiful arrangements:—mountains and continents raised from the deep to heights which afford salubrity and security, and where nature can offer the most varied and attractive residence to man and the animals; and the crust of the earth, prolific in minerals, with all useful and precious metals, in the proper proportions for our immediate wants.

Primitive rocks are found in all those parts of the earth which have been examined, and there is every reason to believe that they form the solid basis of the crust of the globe. A portion of this basis is now covered to great depths by the sedimentary rocks which have been subsequently deposited by water, but the surfaces of vast tracts of inhabited country are constituted by these primitive rocks. In the United States, they occupy the surface from

* The alternation of the primitive rocks above alluded to, and the juxtaposition of amorphous and stratified masses, of ignigenous origin, is susceptible of explanation, if fairly and patiently considered. Due weight, however, must be given to the circumstances under which the greatest number of cases present themselves. The stratified appearance of gneiss is unequivocal, and must be conceded. Before the rocks were formed which have an aqueous origin, the planet may have been in a quasi-incandescent state, as we now conceive of many astronomical bodies; nor can we conjecture to what period that state of incandescence extended. The presence of fossil plants of tropical constitutions in high northern latitudes shows a temperature for the globe unknown to the present order of things. In whatever manner the beds of gneiss were brought into contact with the ignigenous amorphous masses, whether by aqueous deposition, or by pourings out from below, in thick pasty solutions, we are certain they must have undergone a crystalline change on coming into contact with masses intensely heated. Wherever intrusive rocks, such as trap, which, like lava, was once mineral matter in a state of fusion, come into contact with formations that preceded them, a very great alteration in the texture of the intruded mineral is generally produced, as we know from numerous examples, both in this country and Europe, and which correspond to experiments made in the laboratory, from states of entire fusion to slight changes. It is thus that basaltic dikes have changed chalk into marble, sandstone into hornstone and quartz, and shale into jasper, as may be seen in the bank of the Hudson opposite the city of New York. Greenstone dikes have reduced coal into cinders, and sandstone into jasper, as at Magnet Cove, Arkansas. Mr. Lyell, in his celebrated work, vol. 3, p. 368, mentions a basaltic dike, which has produced crystals of analcime and garnet in a fossiliferous shale, and refers to the garnets often found in mica slate, as probably owing their origin to its being affected by caloric. In the neighborhood of Monrovia, on the Baltimore and Frederick railroad, very fine precious garnets are found in the gneiss.

† Lyell's Principles of Geology, vol. 3, p. 371.

Maine to Columbus in Georgia, on the Chattahoochee, and still further, to Wetumpka, on the Alabama. Boston, New York, Philadelphia, Baltimore, Washington, Richmond, and Columbia, in South Carolina, are either built upon them, or are separated from them by deposites of an insignificant depth. Yet the whole of this mighty basis was once in a state of igneous fusion, and under circumstances which prevent the possibility of our expecting to find organic bodies contemporaneously existing in it, since it was a state of things inconsistent with the existence of organic matter.

With all the concurring proofs of igneous action, and of an immeasurable expansive power operating beneath the crust of the earth, I should deem myself more obnoxious to the charge of having suppressed them, in the present state of geological knowledge in this country, than to that of having been indiscreet in assigning them a place in an official document, on the ground of their theoretical character.* A pure hypothesis, raised upon conjecture, and not sustained by admitted facts, is inadmissible; but I should hesitate to render myself liable to the charge of theoretical tendency, in a light sense of that word, if I were conscious of entertaining conclusions other than those to which the mind is irresistibly brought by concurring facts, upon which the judgment willingly reposes.

Wherever the primitive rocks in question occur in transatlantic countries, they are found under circumstances which clearly prove that they owe their existence to the same general chemical laws, and have been produced in the same manner. They have been found in Asia, Africa, and in various portions, especially the northern ones, of Europe. They are not only found almost identically the same, but their various members are, in many instances, superimposed upon each other nearly in the same order. I have seen specimens of porphyritic granite from Shapfell, in England, from Ceylon, from China, from Russia, and the Alps, which would be indistinguishable from that which forms the bed of the bituminous coal-field of Chesterfield, Virginia, the broad belts which run at the foot of the Blue Ridge, and parallel to it, and some which I have observed in Georgia. The structure of the tin and copper districts of England, as far as the nature and direction of veins is concerned, would lead a student exactly to the same conclusions, in regard to their origin, and the utility to be derived from a knowledge of it, as if he had been studying the gold and copper veins of the United States. The structure of the auriferous rocks in Russia and Brazil, as it has been described to me, is precisely what we find it to be in the gold region of the United States. Tin has not yet been found in the primitive rocks of this country in profusion, as it is found in Cornwall, neither has gold been found in Great Britain, as it is found in the United States, where the veins which have been examined for a distance of more than eight hundred miles to the south from the Potomac river, and which show themselves occasionally in an auriferous character at an equal distance to the north, are very productive. But gold has been found in small quantities in Great Britain, and tin, of which I possess some traces, has been found in the United States. In the Ural mountains of Northern Russia, gold is a productive metal, and platina has been found in considerable quantities.

A specimen of platina has lately come into my possession, which was found in North Carolina, and, from some recent indications, I am disposed to think that the diamond, the topaz, &c., will soon be produced from the same quarter.*

It may, therefore, be safely asserted that this great non-fossiliferous division of the known rocks of the geological series, and to which an igneous origin has been attributed, is, in all the circumstances connected with its crystallization, its metalliferous character, its constituency, and the superposition of its different members, essentially the same in North America, and in the other parts of the earth where it has been observed. It appearing unnecessary to seek for distinct causes to phenomena which are mere repetitions of each other, the accordance between this branch of the geological series, as to unity of cause, may be considered probable in both hemispheres.

The other great division of the geological series of rocks, and which, from its being the depository of the remains of those organic bodies which preceded the present order of things, may be called the organic division, has been subdivided into three divisions: transition, secondary, and tertiary. The rocks comprehended in the transition class received that name in the early days of the science; because in these was discovered an apparent transition from inorganic to organic matter, and from a chemical to a mechanical origin of rocks. And, in truth, it is in those argillaceous slaty masses, and beds of roofing slate, which immediately succeed to the primitive rocks, that we find the first vestiges of animal and vegetable existences—extremely rare, however, when compared with the profusion in which they are found in the superior rocks. Yet the fossils found imbedded in them are not, even in the present state of geological knowledge, to be considered as representatives of the first class of animal bodies which came into existence. The masses in which they are found imbedded being all formed under water, we must of course look to find no animal remains but of such animals as were fitted to live in that element, viz. fishes and shell fish, and crustaceous animals. These having some solid parts, liable to be enclosed with an argillaceous covering, might leave some traces of their existence, and which a few of the two last enumerated have done. The scarcity of these seems to be in accordance with the mineral state of the earth at the period when the rocks were formed in which they are enclosed. The solid parts of these animals, when living, are formed of lime, which, from the small proportion in which it exists amongst the other primitive masses, was not, as appears consistent with the general design, to be produced in the profusion it subsequently was, when animal existences, to which it was indispensable, were to be brought forward in great numbers.

The general deposites of calcareous matter on the globe have been, by some persons, attributed to the exuviæ of animals, without stopping to inquire whence those animals derived the solid parts they have left behind them. As we know not that animals have the power of forming lime from other mineral elements, we are compelled to suppose that the calcareous matter forming their osseous structure, their testaceous and crustaceous coverings, preceded them. In considering the primitive rocks, we have perceived that forces of great power, and unknown to modern times, have been in action in the earlier periods of the planet—forces which even now continue occasionally to act, though feebly and rarely. As to the manner in which the statuary lime-

* Of the source and cause of this great central power, we can assert nothing with precision. Philosophers account variously for it; but such is the state of knowledge, that it appears more unphilosophical to deny its existence, because we are not agreed upon an explanation, than it is to assert it. The same philosophers who are sceptics on this subject, do not deny the sun to be the source of solar heat; yet, an eminent person, alluding to terrestial central heat, has lately asked, from a conspicuous official chair, why "the heat has not passed away by conduction, and, if it has passed away, by what other heat it has been replaced?" At present, it seems to be expedient to be content with such causes as explain known effects.

* Gold mining is yet in its infancy in the United States; in truth, preparations for systematic mining are only now making. Not one shaft has yet been sunk exceeding 160 feet. Yet, notwithstanding the rude expedients resorted to, the progressive scale of production since 1824 warrants the most favorable anticipations for the future. In 1824, the amount of gold from North Carolina received at the United States mint was only $5,000; every succeeding year the quantity brought was rapidly increased, till, in 1832, it rose to $458,000, and in the succeeding year to $475,000. In 1834, Georgia sent to the mint $115,000. These amounts are independent of the native gold, which does not find its way to the mint. The amount of native gold produced during the present year will, it is thought, not fall short of three millions of dollars.

stones were produced, there is much ambiguity. We know, however, that mineral springs, both thermal and cold, deposite carbonate of lime in great quantities, as they come in contact with the atmosphere. The prodigious deposites of this character from a cold mineral water, in the Sweet Springs valley, in Virginia, which presents one of the most rare geological phenomena, the no less interesting travertino deposited by the Hot Springs of the Washita, in Arkansas, both of which localities I visited this last year, and similar phenomena in various parts of the world, render it quite possible that some extraneous calcareous deposites, lying amidst the primitive rocks, have come from the central parts of the earth, in a state of aqueous solution, and have subsequently received their high crystalline character from being in contact with ignigenous rocks in an incandescent state. With springs of such a character in action, the animals of those times could be at no loss for calcareous matter in favored localities; and, in that greater portion of the aqueous surface where lime was wanting, we can readily believe that the Creative Power might give a benevolent existence to countless myriads of those gelatinous animals which fill some tropical seas in our own days, and which, having no solid parts, have left no vestige of their existence behind them.*

Perhaps the time has arrived when the term *transition* should be limited to the argillaceous masses in question. The connexion, however, between them and the shales and slates, and other beds which succeed them higher up in the geological series, has induced some geologists to consider all the members of this connexion, including the bituminous coal measures, as belonging to one natural group. Yet I cannot but suppose that a series of deposites extending to thirty or forty thousand feet in thickness on this continent, and probably to an equal amount in Europe, will, when it has received an examination consistent with its great importance, be ultimately arranged in a more lucid and characteristic manner.† The lower slates, the flags, the grits, and limestones of British geology, have their equivalents in this country. In nothing is the analogy in the two hemispheres more constant than in the general character of the transition and grauwacke beds, even to the chloritic nature of some of the beds of the old red sandstone; the same conformity also can be asserted as to their fossiliferous character. It is true that in the north of England the grauwacke is found lying at a great inclination, and upset on its edges, with conglomerate or old red sandstone unconformably upon them; showing that this last, not being affected by the movement which had disturbed the grauwacke, or having been deposited since that movement, was not, in the estimation of some persons, to be classed in the same division with the grauwacke. By these the grauwacke was considered the limit of the transition series; but in countries where the old red sandstone and the grauwacke laid conformably on each other, the argument was equally strong for arranging the superincumbent formation in the same series with the inferior one. In the United States we find them both upset on their edges, at very high inclinations, and therefore no sufficient ground upon that score is presented here for placing them in different divisions.

But there is one general character which is common to many beds lying much higher up in the series, and that is fossil coal; and here we find another circumstance, which induces some geologists to class the whole together as a coal-bearing series. Hereafter it is possible that the wide difference between the non-bituminous and bituminous coals may suggest a permanent character for the arrangement of the coal-bearing rocks.*

In all essential circumstances, the features which mark the structure of the coal bearing series of rocks in Europe are found here. In the the grauwacke we have beds of limestone, derived, for aught we know to the contrary, like the statuary limestone in the primitive series, from solutions ejected from below, alternating with schistose and sandy beds of probable mechanical origin. In these limestone beds we occasionally find, as in Europe, increased numbers of animal remains, and cognate in their relations, such as the flustra, the trilobites, &c., on the calcareous plates from Dudley, which are often identical with those of the Alleghany ridges.

In the lower parts of this series, in Europe, are found

* Professor Agassiz, a distinguished naturalist, who appears at present to lead in fossil ichthyology, does not find fish decidedly carniverous before the period of the carboniferous limestone, that is to say, fish are not provided with large conical and pointed teeth; those of later periods appear, however, from their teeth, to have been omniverous. The investigations up to the present moment all point to the conclusion that organization was upon a low scale in the transition period. M. Adolphe Brogniart the able author of the Historie des Vegetaux Fossiles, and to whose genius and industry we mainly owe the information which has been produced respecting fossil vegetables, whilst he has enumerated 258 species found in the coal deposites, only finds fourteen in the transition series, and these, if I remember aright, (not having his work here,) all cryptogamous plants. To these facts, if we add other considerations, such as the great uniformity of the genera in the inferior rocks of both hemispheres, where trilobites, producta, spirifers, and othocera are the characteristic organic remains, and the curious fact that of the whole number of species of fossil coal plants found in North America, more than one-half have been found connected with the coal fields of Europe—a greater proportional similitude than exists among living plants—we can scarcely, in the present state of geological information, assent to any theory of "causes now in operation," for fossil nature, which excludes a law of progressive development, under which we see the fitness, for all this uniformity, of some common cause, extensively operating as thermal waters, even upon the oceanic scale, may be supposed to have done.

† The section which accompanies this report, traces in an imperfect manner the transition rocks from the vicinity of Harper's Ferry, on the Potomac, to the Cumberland mountains in Tennessee. I could not, with satisfaction to myself, enter, upon this occasion, into details respecting the fossils of the transition and grauwacke rocks of North America which I have examined: they have accumulated greatly upon my hands, and would furnish materials for an important work, that would require a great devotion of time, and incessant labor. My friend, Mr. Murchison, late President of the Geological Society of London, who has distinguished himself so greatly by his researches in the superior beds, has been much occupied for the last four years in a great work, to contain numerous plates of unpublished fossils, illustrative of the "stratified deposites which connect the carboniferous series with the older slaty rocks" in England and Wales, and which will give a singular impulse to investigations of the transition beds. Mr. Richard C. Taylor also, who well deserves the high reputation he has acquired as a geologist and mineral surveyor, is about to publish a very important account of the transition beds, which he has extensively examined in Pennsylvania. I feel confident that the comparative views we shall soon be able to bring forward between these analogous deposites, will extremely strengthen the opinions I entertain of the strong generic resemblances between the organic forms of the transition period in both hemispheres.

* The very general concurrence in the opinion that coal beds may be a residuum of vegetable matter, appears to have induced many geological writers to assume the same origin for *all* carbonaceous deposites. The prevalence of vegetable impressions on the shales connected with the coal in some localities, seems to them to be sufficient ground for the assumption. I have seen many of the non-bituminous varieties in place in this country, which appeared to me to justify a scrutiny into that belief. Anthracite coal is found in the lower slates, which may be said to be the commencement of the transition series in many parts of North America, yet fossil plants are not found in some of them, and they are very rare in the transition rocks of all countries; a fact which detracts from the opinion that it is of vegetable origin. However reasonable may be the inference arising from the convertibility of vegetable matter into lignite, jet, and bituminous fuel, that many important beds of coal have a vegetable origin, yet due weight should be given to some circumstances from which a different origin may be inferred.

In the beds of plumbago which lie in the gneiss at Sturbridge, Massachusetts, the mineral is nearly vertical in the rocks, like the micaceous oxide of iron in other situations: this graphite is carbon, combined with a small quantity of iron finely disseminated through it. At Worcester, in the same State, nearly the same mineral, in a semi-crystallized state, occurs in the mica slate, but here it is called anthracite coal, although it has been ground and sold for plumbago. In the lower slates of Rhode Island, the same mineral occurs with a diminished specific gravity. Near Poughkeepsie, on the Hudson, I have seen veins of anthracite in the lower slates, from half an inch to two or three inches broad, rising, like metallic veins, to an inclination of 70°. In Pennsylvania we have heavy beds of anthracite in the grauwacke, which are non-ferruginous, and others which are slightly bituminous. These localities show a progression in the quality of this mineral not at all consistent with a vegetable origin. Its lowest beds are metalliferous, and its specific gravity decreases as it rises in the series. The slaty shales which usually accompany coal, cannot be said to be an integral part of it, but may owe their origin to a mechanical deposite modified by the high temperature of the carbonaceous body, and which favored the production of plants now only found in low latitudes. The slates of Rhode Island, which accompany the coal, contain talc, and abound in asbestos.

those non-bituminous coals now generally known here under the name of anthracite; and in this country we find the same carbonaceous matter distributed through the whole system of Alleghany ridges to the most western counties of Virginia, where the inclined rocks begin to give way to the horizontal formations of the Cumberland range of mountains. Higher up in the series, and reposing upon the vast deposites—in this country immense—of carboniferous limestone, and millstone grit and shale, where these minerals are not replaced by more complex deposites, we find, in Europe, the great productive beds of bituminous coal, exactly as they are found in some parts of this country, lying amidst shales and sand-stones, often of a friable structure, and abounding in mica. The fossil plants, too, are nearly related in both countries, and some identical. It is true the coal in some instances in Europe, as at St. Etienne, in France, is found resting upon the naked granite, which is exactly the case with the coal measures of Chesterfield, Virginia; this lies in troughs of granite the edges of which crop out above ground, showing the exact limit, in some instances, of the coal field. Nor is it to be supposed that, because intrusive rocks of a granitic character have appeared subsequent to fossiliferous rocks, the base of these coal measures has thus been formed, and contemporaneously with the carboniferous deposites which repose on them, for the Chesterfield granite is a well-defined and beautiful porphyritic granite, with its red crystals of felspar, precisely resembling that of Shapfell, in England, and forms part of that extensive granite formation which looks at the Atlantic coast from the east flanks of the Blue Ridge, and which I have traced far into Alabama.

Nor is that extraordinary coincidence in both hemispheres, in the state of the beds of the carboniferous limestone, to be overlooked. Some of them, teeming with the imbedded exuviæ of animals; others conspicuous for the plates and irregular masses of chert, resembling the flint as it is seen in the chalk beds of Europe; whilst both alternate with beds of compact limestone, of different degrees of crystallization, and non-fossiliferous. Those who have seen the encrinital and other beds of the European carboniferous series, may see the same thing repeated in various parts of this country: in the western parts of the State of New York; at the Helderbergh mountains; conspicuously in Tennessee, in Kentucky, and the State of Missouri. Here, in some instances, the rocks appear to be composed entirely of organic remains, whilst others seem to have been deposited so rapidly as to have given no time for their production. It is at this period, however, and amidst this profusion of calcareous matter, that such immense numbers of testaceous animals of the same kinds have existed in both hemispheres.*

*In the carboniferous limestones of Tennessee, Kentucky, Indiana, Illinois, and Missouri, I made very rich collections of fossils, many of which are identical with European specimens; indeed, it is probable that most of the European genera will be found there. There are, however, great numbers of species which differ from those found in Europe, some only slightly, whilst others again are quite new. My scientific friend, Dr. Troost, professor of geology at the University of Nashville, and geologist to the State, has discovered some interesting fossils, which, it is to be hoped, he will soon find leisure to describe. I saw in his cabinet an asterias, found in the carboniferous limestone, having five rays, but having lost the spines and epidermis. The following are a few of a very long list of European cognate fossils I brought from the States above mentioned: Orthocera, encrinites, producta, spirifers, plagiostoma, natica, ampullaria, delphinula, euomphalus, turbo, pentremites, trilobites, asaphus platycephalus, hamites, terebratula, bellerophon, nautilus, cardia, trochus, turbinolia, cyathophyllum, astrea, stromatapora, calamopora, manon, eschara, with an innumerable quantity of the zoophytes described in Goldfuss. Although these fossils are not identically the same with their equivalents in Europe, yet many of them are strictly so, and in all cases I would assert the generic resemblances to be stronger than the specific differences. On this continent, where the carboniferous limestone extends uninterruptedly for more than one thousand miles, we find an equal amount of generic resemblances and specific differences, notwithstanding that the causes which produced the beds were obviously contemporaneous and the same; and it is certain that the specific difference between the most powerful species of living animals here, and those in transatlantic countries, seems to be much greater than that which prevails amongst the fossils of the two hemispheres.

In examining the structure of the transition series of rocks, we perceive that it partakes largely of a mixed character, both chemical and mechanical. Many circumstances, presenting themselves under various aspects in different and distant localities, point to a direct central origin for the limestone beds of the carboniferous limestone, and for those siliceous solutions which have frequently changed the character of their fossils, and sometimes replaced the calcareous constituent throughout the whole beds; a fact observed by myself in the State of Missouri, where certain oolitic beds of the carboniferous series—and which occur also near Bristol, in England—are entirely converted into siliceous matter. The presence of bituminous matter, too, in some of the fetid beds of this last series, would give strong support to the opinion that some coal beds may have been the result of outpourings of bituminous matter, and not of vegetable decomposition. The fetid beds of the western part of the United States are in some places so impregnated with bitumen, that when the limestone rocks of the canal were blasted at the falls of the Ohio, the bitumen oozed from the rocks in such great quantities, that more than a gallon a day was collected by the workmen. I have myself drawn bitumen in considerable and unusual quantities from these rocks.

One of the most remarkable geological features of this continent is the vast extent of the carboniferous limestone. I have traced its eastern border—conforming to the course of the other mineral formations east of the Mississippi—more than one thousand miles running to the west of south, from the State of New York to the thirty-fifth degree of north latitude in the State of Alabama: the course is then changed, and lies to the north of west, leaving Little Rock, on the Arkansas, about thirty miles to the south, and disappearing between five and six hundred miles from the Rocky Mountains. This deposite extends, uninterruptedly, a geographical distance of at least 1,500 miles from east to west, underlying portions of the States of New York, Pennsylvania, Ohio, Indiana, Illinois, Missouri, and the Territory of Arkansas, on that line. In Tennessee, Kentucky, Virginia, and Maryland, it is bounded by a line of which the Cumberland mountains form a part. In the plains through which the Mississippi flows, and which include the Illinois prairies, it appears like a continuous floor, forming an almost unvarying flat; for although the superficial level is irregular, that of the calcareous formation, lying beneath the arable soil, seldom seems to change its elevation materially.

In other parts of the area covered by this deposite, there have been extensive denudations of the beds, whilst in some of the Western States broad table lands of it still remain, and which are occasionally covered with sandstone, as is the extensive table, forty miles broad, of the Cumberland mountains as far as the begining of the descent down to Sparta, where the sandstone contains indications of bituminous coal. From hence to Nashville, about eighty miles, the country descends over various beds of carboniferous limestone: that which immediately succeeds to the above-mentioned sandstone has a marked oolitic structure, and is about two hundred feet thick. The beds are all horizontal, and many of them abound in organic remains,* whilst the chert in the seams takes an agatized form, with a chalcedonic botroidal appearance, such as I have seen in similar situations west of the Mississippi. The lowest point at which I had an opportunity of examining this series of the carboniferous limestone was at Nashville, on the Cumberland river. The town is built on naked beds of horizontal limestone, some of which are loaded with fossils. The beds through which the river has cut its channel, and which appear in various parts of the neighboring country, vary a good deal in their crys-

*Of which the pentremite, according to Dr. Troost, is the characteristic fossil.

talline structure, and in their organic remains. The Cumberland being unusually low, I had a favorable opportunity of examining some of the inferior beds, which were of a dark bluish gray color, having a structure between that of primary and compact limestone. These rocks occasionally abound with nodules of siliceous matter, resembling chert, black outside, grayish within, which seems to have been infiltrated into cavities once containing organic matter. They are frequently covered with fucoidal strings, and numerous zoophytes, of which the characteristic marks are obliterated; have rounded surfaces, from aqueous attrition, the calcareous matter having been rubbed away, and the cherty matter left in relief, as I have frequently observed on the rocks on the right bank of the Mississippi. Higher up in the formation, the beds contain cavities, in which organized bodies appear to have been imbedded, and many of which are now filled by interesting accidental minerals. Their walls are generally lined with carbonate of lime, upon which beautiful crystals of strontian, of a fine sky blue color, with intermediate shades, sulphate of barytes, fluate of lime, fibrous and snowy gypsum, and sulphuret of zinc in rare crystals upon brown spar, are often found: the same accidental minerals are found in the horizontal carboniferous limestone in the State of New York, and in other localities. This limestone, when rubbed, smells faintly, like bituminous limestone, although it lies much beneath any indications of bituminous coal which have been yet observed. In the banks of the Cumberland, Dr. Troost pointed out to me a conglomerate bed of dead shells, where pairs of bivalves seldom occur. The organic remains of this bed are generally fractured, and often much comminuted. It lies between two strata of compact limestone, and in some places is fifteen feet thick, whilst in others it thins off to one or two feet, and is often entirely wanting. Above all these beds is a stratum of coarse granular limestone, covered almost entirely with strophomena rugosa, a well characterized fossil.

Harpeth ridge rises much above the level of Nashville, and is remarkable for containing beds of a greenish color, derived from chloritic matter, as well as a bed of slaty clay, very bituminous, with reniform ferruginous masses. An encrinital bed of limestone near the top, alternating with sandstone, is covered with an argillaceous sandstone. The whole structure of this ridge bears a strong resemblance to the country described in Lieutenant Colonel Long's return from the Rocky Mountains.* I have recognised these beds in many distant parts of the country, and have frequently fallen in with the same stratum of bituminous shale. But as the details of the geology of this part of Tennessee will be given to the public with great care by Dr. Troost, who has made himself complete master of them, I shall proceed to give a sketch of the structure of this great deposite of carboniferous limestone, as it is exhibited in the descent of the Cumberland river from the falls to Nashville, a distance of about three hundred miles. This will show the true relative position of the beds of this great formation to each other, as the river, in its course, has opened them all up from its source in the high table lands, for a depth of at least 1,500 feet, to where the Cumberland enters the Ohio. The true place of the bituminous coal beds of this group will be here seen, so that those who take the trouble to make themselves masters of the distinct mineral and fossil characters of each bed, and the order of their succession to each other, can always form an accurate judgment whether any particular district is above or below the coal. The upper part of the profile section now to be described, corresponds in so many important particulars to those characteristic beds which, in Europe, frequently divide the coal measures from the carboniferous limestone, that I have not hesitated to recognise in it the equivalent of the formation called *millstone grit and shale.*

The Cumberland at the falls, in Whitely county, Kentucky, has worn its way through a quartzose conglomerate, united by a siliceous and argillaceous cement, to the depth of at least five hundred feet, and continues to flow over it for some distance beyond the falls. Pursuing its way, it next cuts through a bed consisting principally of shale, about two hundred feet thick, in which are three horizontal good veins of bituminous coal, each from three and a half to four and a half feet thick. The river runs on the bottom of this bed about three miles below the mouth of Laurel river. The banks of the river continue to expose the coal veins until seven miles below Rock Castle river; but here the Cumberland has cut into a bed of compact limestone, with an oolitic structure about three hundred feet thick: to this succeeds a series of horizontal beds about two hundred feet thick, which, at the mouth of Big Indian creek, is exposed in the banks, together with a seam of bituminous shale, the equivalent of that at Harpeth ridge, and which is here twenty feet thick. At this place the river has cut into the inferior beds of limestone which are found at Nashville; these may be estimated at about three hundred feet thick down to the junction of the Cumberland with the Ohio. At Burkesville the river has worn its way about one hundred and fifty feet into this last series of beds. A perpendicular section of these rocks would appear thus:

| | | |
|---|---|---|
| | Conglomerate of millstone grit, | 500 |
| | Shale, with coal veins, | 200 |
| Carboniferous limestone. | Compact limestone, | 300 |
| | Horizontal beds, | 200 |
| | Bituminous shale, | 20 |
| | Lower series of beds, | 300 |
| | | 1,520 feet.* |

During my late tour I had occasion to examine the bituminous coal beds in various parts of the State of Illinois; and in the bluff, distant about seven miles east from the city of St. Louis, a fine vein about eight feet thick is opened for the consumption of the city. This bluff, which is near one hundred feet high, is the termination of the level of the prairies of Illinois to the west, and bounds a rich, swampy tract of land formed of black vegetable matter—once overflowed by the waters of the Mississippi—now called the American bottom.†

The coal in the bluff opposite St. Louis lies between ledges of limestone, in a perfectly flat seam, measuring about eight feet to the floor. From the stratum of compact limestone superincumbent on the coal, I obtained a fine productus and a terebratula; but in the slaty shale above the coal, which is loaded with sulphuret of iron, I could not obtain the slightest impression of a plant. It is the same with the coal on the western side of the Mississippi; nor does any part of that extensive carboniferous country present a basin-like appearance, into which trees or plants could have been washed, or in which aquatic plants could have adequately grown. Many who are led by practical observation to assign a subterranean origin to the extensive floors of limestone on which the coal reposes, might, also, probably indulge the idea that these coal beds may have had a similar origin, fortified as it is by the existence of bituminous matter in the beds of limestone, and by many other considerations present to an observer.

Extensive as this immense field is, where bituminous coal is found deposited in so many places, yet it by no means represents the geological conditions under which bituminous coal is deposited in other parts of North

* Vide James's Account of Long's Expedition, vol. 2, p. 160, et passim.

* I am indebted for this section to a reconnoissance made by Messrs. Stansbury and Baily, by order of the Topographical Bureau.

† Thirty miles south of St. Louis I recrossed the Mississippi, and found a continuation of this bottom about six miles broad, over which I walked to the bluffs.

America. In the granitic trough of Virginia, the coal lies amidst shales and loose sandstones of a micaceous character, the superincumbent shales affording fine specimens of vegetable impressions. In the great bituminous coal measures of Western Pennsylvania, separated from these last by the primary and easternmost chain of the Alleghany mountains,* the coal is found amidst similar but more indurated sandstones and shales, high up in the hills, which have been truncated and furrowed out into valleys, so that the continuity of the veins is found without difficulty in distant isolated hills.

It may also be instructive to observe here that the eastern coal-field of the Southern States, with which we are acquainted in Virginia and Alabama—in the former of which States it has already become a source of great wealth, giving constant employment to locomotive power and shipping—may reasonably be inferred from some known partial indications to be continuous between those points. I can confidently assert, from personal inspection, that there is a very promising line of continuity between those extreme points; and that bituminous coal, of a very fine quality, may reasonably be expected to be found in situations where it does not crop out on the surface. As an evidence of the confidence which may be placed in geological indications, I consider it important to mention, in a brief manner, a coal mining operation now conducting in England—and which had just been commenced during a visit I paid that country in 1826—upon the sole ground of an entire confidence placed in geological principles, and without any indication whatever of coal cropping out on the surface. A shaft was sunk at Monkwearmouth, near Sunderland, in the county of Durham, through a group of calcareous rocks, which were supposed, from the immutability which rocks are believed to preserve as to the order of superposition to each other, to overlie certain coal veins existing in contiguous parts of the country. The shaft was sunk 344 feet beneath the surface before any coal was found; they then reached a small seam of one and a half inches in thickness. This occurred in 1831, after encountering incredible difficulties in stopping an influx of water that had frequently almost overpowered them. They proceeded to a depth of one thousand feet, when it became necessary to invest more capital in pumps of greater capacity, and this without meeting more coal. But the proprietors had confidence in their operations, and, amidst the loudly expressed doubts of many of their friends, persevered until, at a depth of 1,478 feet below the level of high-water mark, they reached a very valuable seam of fine coal, and are actually now carrying their shaft to a depth of one thousand eight hundred feet, in order to reach a vein of coal long worked in other situations, and which they are confident will be found within that depth. This vein, when reached, will repay all the outlay of capital, and become a source of great wealth.

In whatever manner I have been able to regard the carboniferous series of rocks in the United States, however dissimilar the mineral structure of its beds and its levels may occasionally be, yet I have not been able to resist the impression, and could demonstrate, if this were the proper occasion to do so, that the general structure of the series is a fair equivalent of that in Europe, and has probably been produced by the same causes.

The next rocks in the geological series are those which lie immediately above the coal measures, and belong, by common consent, to the secondary. This division includes a very important number of beds which have never been found in the United States; we may possess the equivalents of some of them, such as the muschelkalk of the Germans, and the red lands of Devohshire: further investigations will probably determine that point; but the geological investigations, which have been made east of the Mississippi, have scarcely left us any ground to expect that any of the members of what is called "the oolite formation," from beneath the purbeck beds to the lias inclusive, will ever be found on this side of that river. Perhaps this cannot be asserted with equal truth of that group of rocks which lies between the coal measures and the lias. This group, usually characterized by the formation called new red sandstone, has been always considered an important depository of gypsum, as well as the source from whence salt brines have been derived in many parts of the eastern hemisphere. The brines of this country are derived from so many sources, that this group is by no means entitled to be considered their sole geological depository in the United States. The mineral waters of Saratoga, in the State of New York, and other mineral waters obtained at Albany, in that State, are very strongly impregnated with muriate of soda, containing upwards of sixty parts of that mineral, and these waters rise through the lower slates which repose upon the primitive rocks. The salt wells of Kiskiminetas, in the State of Pennsylvania, are fed from beneath the carboniferous limestone. I have been furnished with borings effected in that part of the country, which have been extended to about seven hundred feet, and have passed through important veins of bituminous coal. These borings gave the following vertical section:

| | Feet. | | Feet. |
|---|---|---|---|
| Sandstone | 20 | Sandstone | 50 |
| Coal | 5 | Coal | 5 to 6 |
| Limestone | 3 | Limestone | 100 |
| Sandstone | 120 | Saliferous rock rest- | |
| Coal | 4 to 5 | ing on limestone | 300 |
| Limestone | 3 | | |
| Sandstone | 88 | | 698 |
| Coal | 2 | | |

The floor of the valley where the remarkable salt springs come up, near Abingdon, in Washington county, Virginia, is transition limestone. The brine is so strong that it only takes twenty-four gallons of water to make one bushel, or fifty pounds of pure salt; great quantities of sulphate of lime come up with the brine. This locality, whether in rela-

* This chain of primary rocks, which traverses the United States from their northern boundary to the western termination of the highlands of Alabama, receives various designations in some of the States, which occasions some confusion in the maps, and consequently to travellers. The true structure of the general series of the Allegany chains or ridges, which are numerous, has been hitherto misunderstood, and, having been occasionally embarrassed when conversing on the subject in the country, I avail myself of this opportunity to correct this misapprehension.

The primary rocks which are seen on the Atlantic coast, occasionally covered by the subcretaceous and tertiary beds, extend west into the interior until they terminate in the chain of primary rocks above alluded to, which coming from the north-northeast—the general mineral direction on this continent—is cut through at West Point, in the State of New York, by the Hudson river, and passing through Pennsylvania and Maryland into Virginia, is there called the Blue Ridge, from the bluish tint which is reflected from it. Beyond this ridge, to the west, the numerous ridges and outliers—the most conspicuous of which are parallel—belong to the transition and secondary rocks. These have various local names; but the most important of these sedimentary ridges is one called the Alleghany mountain, which forms the eastern boundary of the counties of Randolph, Pocahontas, and Greenbrier, in Virginia, and then deflecting more to the east with irregular flexures for some distance, at length butts up against the primary chain near the southeast corner of the county of Botetourt. Here the primary chain divides into a fork, the westernmost prong of which, called the Iron mountain, forms the western boundary of the county of Grayson, and the eastern prong the eastern boundary of the same county, so that the county of Grayson, and the new county of Floyd, lie mainly between the two prongs. But the country people, not aware of the difference between sedimentary and primary rocks, suppose the eastern prong to be a prolongation of the sedimentary ridge called the Alleghany mountain, and give it that name, which obtains in many of the maps, whilst they call the western prong, or Iron mountain, the Blue Ridge. In one sense this incorrect designation is not without a reason, for this supposed continuity is the great water shed of the whole country, the sedimentary part throwing down some of the waters of the Kanawha river to the west, and the waters of the James river to the east, whilst the primary portion sends down the head waters of New river to the west, and those of the Roanoke to the east. It will be apparent, I think, to every geologist, that as this primary chain is the true boundary of the sedimentary rocks lying west of it, and forms so important a feature in the mineral structure of this country, it should receive a clear geological designation; and as it looks upon the Atlantic coast in its whole course, I shall propose the name of the ATLANTIC PRIMARY CHAIN.

tion to its valuable deposites of gypsum, the powerful flow of the brine, its unlimited quantity, or the structure of the superficial beds, is more interesting than any one of its class which I have ever seen. I could name other localities resembling these. On the other hand, the salt wells of Salina are fed from a deposite of a marly character, which occasionally has a strong resemblance to some members of the new red sandstone group of Europe. This great branch of geology has hitherto received very little attention in this country.

Of the superior portion of the secondary rocks, we possess some important members. The upper beds of the chalk group have not yet been seen in North America, at least not with the same mineralogical character, nor with seams and nodules of flint similarly disposed; but many of its inferior beds are found in a very irregular and ancient littoral line from about 40° north latitude, in New Jersey—and perhaps about 41° 20′, underlying the tertiary beds of Martha's Vineyard—to the thirty-second degree of north latitude, in Alabama. Pursuing a sinous course thence towards the northwest, it reappears on the west side of the Tennessee river, at about 35° 40′, and by intermediate points I have traced it to 33° 45′ in Arkansas. Further west it is seen near the Kiamesha, and at various points up the False Washita, to the eastern limit of the sandstones which are found on the eastern slope of the Rocky Mountains; thence it deflects to the north, and runs up to the Black hills, which, compelling its course east of north, it crosses the Missouri north of the forty-third degree, and probably terminates south of the Mandan country, between the Black hills and the highlands of Coteau de Prairie. Indications of this ancient shore, which appears to have had for its limit that general water level of the sea which deposited the lower chalk beds, will, no doubt, be hereafter discovered up many of the rivers of this continent.*

Within it are contained both the lower beds of the chalk group and the representatives of the tertiary group which have received so much attention in Europe.

From the examinations I made when in the State of Alabama, and from the details which were given me of borings for fresh water through the calcareous deposites to a depth of five hundred feet, as well as from the general trending of the eastern slopes of the Atlantic primary chain, I consider it as most probable that they all lie upon the primary floor, which extends to the ocean, and which shows itself at the falls of all the principal streams.

The subcretaceous beds in Alabama extend about one hundred miles south from Pickens county, and appear to be bounded by an irregular line running southeast by east to the falls on the Coosa. Above this line, to the north, the bituminous coal comes in, lying, like that of Virginia, on the primary rocks. The tertiary strata are found south of the subcretaceous area. The Alabama river, with its tributaries, the Tombecbee, the Black Warrior, and the Cahawba, cuts through these beds. At Prairie Bluff the Alabama has laid open rich deposites of the subcretaceous strata, from whence I brought ammonites, baculties, turritella, scaluria, gryphæa convexa, exogyra costata, and numerous other fossils belonging to these beds.† Further to the south the river at Fort Claiborne has cut through the tertiary strata.‡

If the mineral character of these beds, from their occasional dissimilar appearance, could raise any doubts as to their equivalency, the decided character of their fossils would certainly remove them. The agreement of the fossils found in some of the beds in the State of New Jersey with those of the green sand and associate beds in Europe, when considered in connexion with their geological position, can leave no doubt in the mind of an experienced geologist, of the first being true equivalents of the last, and this was announced several years ago.*

The tertiary strata approaching the top of the geological series, and coming so near to the present order of nature, we may reasonably expect the fossil remains contained in them to be more or less specifically allied to existing shells. This has been shown to be extensively the case in Europe, by Mr. Lyell† and other writers. That eminent geologist has divided those strata into periods characterized by the proportion of recent and extinct shells found in the same beds. It has resulted from this manner of investigating the subject, that, in the beds nearest the existing order of nature, shells now living are found mixed in the greatest proportions with those which are extinct; and that in the lowest beds of the tertiary strata the proportions are nearly inverted, showing a systematic progression of species, conforming in this to the progression of organic nature in the older geological formations. The tertiary deposites of the Atlantic States are very numerous, and extend far to the South. Wherever I have found the subcretaceous beds, I have found some of the strata of the tertiary. I found the beds of Mr. Lyell's Eocene period in various parts of the Territory of Arkansas; and in the very great number of tertiary beds which I have seen betwixt the Delaware river and that Territory, I am disposed to believe the equivalents of Mr. Lyell's periods may all be found. From some of these localities I have collected great numbers of living species, which yet partially retain a fine color. The Choptank river, in Talbot county, on the Eastern Shore of Maryland; the counties of Prince George, Charles, and St. Mary's, in Maryland; the counties of Hanover, York, and especially of Prince George, in Virginia, present admirable localities for those who are disposed to examine the relative age of these beds; indeed, all the Southern States, and conspicuously that of Alabama, present an extraordinary field for inquiries of this nature, the tertiary strata covering a prodigious area towards the Atlantic. In Prince George, Virginia, the tertiary strata will probably be found to rest upon the subcretaceous beds; and it is interesting to geologists to note, that the bituminous coal beds of Chesterfield county, which rest upon porphyitic granite, are the limit of these calcareous strata, just as the bituminous coal of Alabama is the limit of the subcretaceous beds in that State.‡

* I picked up two or three valves of gryphæa costata on the banks of the Ohio during the last summer.

† Mr. Conrad has personally examined the Alabama beds with his usual judgment.

‡ The fossils of these beds have been beautifully figured by Mr. Lea, in his "Contributions to Geology."

* Dr. Morton, in his instructive Synopsis, states that "Mr. Vanuxem was the first to detect the analogy between this deposite (subcretaceous) and the chalk formation of Europe." These gentlemen first drew the attention of geologists to the true position of the beds in New Jersey, and to their probable extension to the South, where they have since been found.

† Principles of Geology.

‡ Traces of this ancient littoral line are usually to be found, without much difficulty, near the falls of the rivers. I devoted the summer and autumn of 1833 to this demarcation, and found it to describe an irregular line west of south from Maryland into Virginia. The tertiary beds, where no fossils appear, may always be recognised by heavy, wet, dark green looking deposites, sometimes as in the hill at Richmond, on which the capitol is built, and near Shirley, on James river, containing impressions of shells only, sometimes sparkling with spicula of sulphate of lime, and sometimes loaded with fossils, as at Fort Washington, on the Potomac. The mineral which colors these beds is a compound of silex, iron, and alkali, and is the same as that which forms an important part of the subcretaceous beds, and occasioned their being named by the European geologists the "Green Sand Formation." The older beds may generally be looked for at the western edge of this line. Lignite occurs very commonly. I saw an important bed of it in the right bank of the Rappahannock, a few miles from Fredericksburg, on the estate of Mr. Spottswood, lying on the older tertiary. Mr. Ruffin, the intelligent editor of the Farmer's Register, who has done so much to direct the attention of his brother planters to the value of these calcareous deposites in agriculture, took me during that summer to some localities on James river, near Coggin's Point, where I found the equivalents of Mr. Lyell's Eocene period, and from which I enriched my cabinet with some very fine fossils. The saddle-shaped oyster appeared to be the characteristic fossil of these beds. In the interior, near Mr. Ruffin's residence, I collected a great variety of shells belonging to the present order of things, many of which, though extremely minute, retained vivid colors. It often happens that particular species are aggregated together in these localities, showing that the retreat of the ocean has been effected without breaking up their beds.

But these beds not only contain proportional mixtures of living and extinct shells; species are found in them which are found in beds of the same age in Europe, of which, I have no doubt, the labors of Mr. Conrad, and other geologists engaged with the subject, will soon produce important lists. This might be expected from the close generic affinities of the fossils of both hemispheres.*

Having had personal opportunities of examining the beds of which I have been speaking, in the States of New Jersey, Maryland, Virginia, South Carolina, Alabama, and Arkansas, besides having seen the characteristic fossils of the subcretaceous beds from Tennessee, and from localities several hundred miles up Red river, beyond the limits of my late tour, I cannot but consider them, together with their fossil contents, as establishing a most satisfactory agreement between these portions of the geological series in Europe and America; and when we add to the list the lignites, and the equivalent quadrupedal and Saurian remains found in both countries, it may be asserted that there is no important discordance between the marine and fossil remains of their contemporaneous periods; for time will probably diminish the list of non-equivalents on both sides. Within a very short period, the eurypterus, a remarkable fossil crustaceous animal, discovered some years ago in the United States, and then entirely unknown in Europe, has been discovered there.

It would be inconsistent upon this occasion to enter upon all those details requisite to bear me out completely in what I have advanced of the agreement of the European and American rocks, and which I must defer to more appropriate occasions. That opinion was communicated by me, as far back as the year 1828, to the Geological Society of London. To those who are interested in geological results, without having studied the science, it will be still more satisfactory to know that this constant succession in the order of rocks, in respect of their superposition to each other, is invariable, as much so as that of the order in which the letters of the alphabet stand to each other; so that this result, which it was my intention to show in entering upon this sketch of the principles of geology, will be apparent to them; that the study of the structure of this globe is not that of an inchoate mass, the parts of which were thrown together at random, but that all the parts of the globe which have been geologically examined, have contributed in turns to establish the now generally-received truth, that the crust of the earth contains a series of rocks that have come into existence in regular succession to each other after a particular and apparent design, and that all the principles of the science, as they are established in one country, can be successfully applied in every other country, for the promotion of human industry and prosperity.

I now proceed to the results of my late tour.

I was well acquainted, by reputation, with the lead deposites in the State of Missouri, though I had not, as it turned out, any accurate idea of the geological structure of the country. It was important for me to examine them, as they were situated amidst the public lands; and the southern part of the State of Missouri being conterminous with the Territory of Arkansas, where my instructions led me, I directed my course to the northern foot of the highlands which extend to the Missouri river, and which lie between it and Red river, with the intention of passing down them from 38° 30′ north latitude, to their southern slope at 34° north latitude. In passing through the States of Tennessee, Kentucky, and Indiana, I had observed an unusual disposition in numerous beds of carboniferous limestone (some of which, in the two first States, contain sulphuret of lead, encased in compact sulphate of barytes) to pass into siliceous matter not only were the fossils, with few exceptions, all converted into flint or chert, but, in some instances, the beds were principally made up of continuous plates of siliceous matter, after the manner of the chalk flint in Europe. I subsequently found this to be very much the case in the State of Missouri, and in the vicinity of Herculaneum some of the calcareous beds consisted of about two-thirds of their bulk of silex.

This siliceous character in the rocks disappears to the north, and is not seen on the Missouri river. The limestone beds which I examined on the banks of this last river, and in adjacent situations, were either compact or argillaceous. Being desirous of re-examining the beds which the Mississippi has cut through east of the mining district in the State of Missouri, I recrossed the country to the Mississippi, and in the vicinity of Herculaneum found a great part of the calcareous beds contained about two-thirds of their bulk of silex. A little south of this last place, and about one mile north of the Plattin creek, the Mississippi being very low, I observed a change in the rocks. A bed of quartzose sandstone, which can only be observed at that stage of the water, and which is covered by a slight rise of the river, jutted out into the Mississippi. For some distance it had a loose granular texture, consisting of quartzose grains held together without cement. In some situations it crumbled between the fingers into sand, but in others it was sufficiently indurated to make a strong rock. The beds run into the bluff above it, which is a fetid limestone, of a sandy character, and contains sulphate of barytes. This was the first indication I found of an approach to the lead districts. The character of the limestone beds, as they are seen nearer to Herculaneum, is altogether changed here. Instead of compact limestone, with regular seams and blotches of cherty matter, I had suddenly come upon an extensive deposite of siliceous matter, without any lime, and which covered the lower limestone beds, and with calcareous beds superimposed on it, extremely siliceous. In neither of these deposites did I ever find any organic remains. South of these beds the banks of the Mississippi are low, and a valley intervenes, the disappearance of the solid contents of which is rendered less difficult to account for, by the want of tenacity in the rocks. From this point I again ascended the country in a direct west course, and soon got upon the extensive open barrens, with their straggling trees, which form the table land of that country, and which are constituted by the calcareo-siliceous fetid beds I had examined on the banks of the Mississippi, and which repose there also on the granular sandstone, as I had frequent occasions of discovering in the ravines and denuded depressions of the country. In one of these slopes, which was well uncovered by a perennial spring of some power, I saw lithographic stone, of a very good quality, lying amongst some thin beds of limestone. Pursuing a southwest course, I found the country broken and rolling, the heights principally constituted of sandstone, with limestone uniformly underlying it in the ravines. As I advanced, I found the mineral character of the country less simple, the rocks very much diversified with accidental minerals, and every thing announcing a metalliferous district. I became now desirous of finding some natural sections that would assist in explaining the phenomena around me, but I could find none, and could hear of none, so that it became necessary for me to examine the localities where mining operations were conducted, in order, by an examination of the subterranean arrangement of the metallic beds, to form some estimate of their direction and extension towards those parts of the country where the public lands lay. I accordingly visited the most ancient "diggings" which had been partially carried on ever since the French had had possession of the country, but I found that the irregular manner in which those diggings had been conducted almost baffled every attempt at systematic investigation. The sulphuret of lead, or "mineral," as it is

* Dr. Morton, in his Synopsis, has published a list, compiled by Mr. Conrad himself, of living shells "common to the European and American coasts of the Atlantic," consisting of twenty-four species."

called in the lead country, has been, in certain localities, at all times found in fragments near the surface of the ground, from the size of a pin's head, in which it can be picked up in great quantities where the rain has washed the soil, to masses weighing several hundred pounds. Sometimes pieces of an intervening size are found, which have been affected by attrition; but, more frequently, the "mineral" preserves its angles very fresh, as it might be expected to do from its brittle cubic structure. Various opinions have been entertained of the cause of so singular a distribution of this mineral substance in loose pieces, and occasionally in such great quantities, near the surface of the earth—a circumstance which has occasioned the whole adjacent country where the mineral has been found, to be excavated into pits from six to twenty feet deep, so that in the localities of such districts it would be impossible to drive any carriage by daylight, and impracticable to ride securely on horseback by night. The disorder in which the country has been thus thrown, is entirely owing to ignorance of the geological structure of the country, and the commonest principles of mining, and is much to be regretted, as it will greatly embarrass future efforts, in those localities, at systematic mining. It would be superfluous to enter into any mineralogical detail of those diggings, or to render a very particular account of any of them, since nothing can be more rude than the attempts at collecting ore which they exhibit. In particular localities immense quantities of sulphate of barytes, or "tiff," as it is named, masses of quartz rock, cellular, and occasionally coated with mammillary crystals of great brilliancy, and, in other instances, a profusion of dark red clay, are thrown out of the diggings, together with the mineral.

It was at Mine la Motte I first received satisfactory evidence that the broken up mineral I had seen in the diggings had been occasioned by an accidental derangement of the regular structure of metallic veins, and to which I had always attributed these appearances.

The country around presents an extensive table land, almost denuded of timber, through which a few slight streams run, which are used to wash the soil taken out of the shallow diggings. The whole surface is cut out into pits of various sizes, from four feet diameter to some exceeding twenty feet square, with an equivalent depth. These larger areas have been the result of a discovery gradually made, that the loose fragments near the surface, which were formerly the sole object of the diggings, were connected with *mineral* imbedded in the solid rock. Hence, large areas have been opened, without much relation to method, sometimes to the extent of half an acre, and gunpowder is employed to blast the metalliferous rock; so that mining in this particular district is become precisely what quarrying is every where else. The history of these diggings, and the manner in which the sulphuret of lead is often found, is as follows: The streams washing through the superficial gravels sometime disclose valuable deposites of the ore. Adventurers follow up these indications wherever found, and commence their diggings; when they reach a depth of twelve or fifteen feet, or as soon as it becomes inconvenient to throw out the earth, or hoist out the mineral, a new digging is commenced, and again abandoned for a new excavation. Frequently the superficial soil for about a foot will be red earth, mixed with mammillary quartz, called here "mineral blossom," and petro-siliceous stones; a deposite of red clay of a few feet is then generally found, resting upon a bed of gravel and flinty pebbles, in which the lumps and fragments, including extremely small pieces of ore, are found. Deposites of this kind do not differ, in any particular of mechanical arrangement, from any gravel deposites I have seen, especially the gravel deposites of gold in the Southern States, and which are, without exception, the detritus of rocks brought into these superficial beds by aqueous transportation. Beneath these free deposites lies the real metallic formation of the country, consisting of the fetid calcareo-siliceous rock before described, frequently so much decomposed as to admit of being shovelled out, and traversed by horizontal brands of bright galena, or sulphuret of lead, sometimes one inch thick, and frequently a foot thick. In other situations, the ore is very much disseminated in the rock, although always confined in a vein or bandlike breadth, of different dimensions. Where the ore is much disseminated, and the rock is speckled with metallic particles for a great breadth, the ore is usually less productive, yielding about forty or fifty per cent. of lead, when the compact mineral in other situations yields sixty-five per cent. Upon such occasions it appears to contain an excess of sulphur. In some instances, I observed broad veins with a considerable dip, but generally the bands of ore were nearly horizontal. This locality appears to furnish a full explanation of the singular manner in which the ore and the sulphate of barytes, in which it is often sheathed, have come into that free and broken situation in which they are found in the superficial deposites. I observed veins at the top of the metalliferous formation, and beneath the superficial deposites, in quaries fifty feet across, and twenty feet deep, containing fragments of ore of various sizes, bright and sharp, with the vein, as well as that part of the rock through which it passed, much shattered and dislocated, the back of the vein being broken in numerous places, and the contents exhibiting strong marks of sudden violence. Sometimes the galena was rent into shivers, sometimes its horizontal sheet was broken up, and parts of the bright ore, ten inches wide, left standing on their edges, some in one direction, some in another, and the remainder left flat in its old place. In some places the phenomena resemble those presented in the chalk cliffs near the Isle of Wight, in England, where the beds are upset, and the seams and nodules of flint shivered. This is not the case, however, with all the veins. In various quarries at Mine la Motte, especially those which go by the name of Mine la Prairie, where more than half an acre of ground has been uncovered to a depth of twenty feet, the sulphuret of lead is not only seen running horizontally in hard compact veins in the calcareo-siliceous rock, but is sometimes disseminated for a great extent, in specks through the rock, affording to the eye sufficient proof that the stony and metallic matter was deposited at the same time; for if either of them were abstracted, no principle of adhesion would be left for the remaining mineral: occasionally the rock changes its character, becoming either calcareous or siliceous altogether, and, indeed, the structure differs so much as to be sometimes hard, sometimes soft, sometimes granular, sometimes compact. Sometimes a bed of sandstone, three feet thick, will lie upon a seam of bright mineral six inches or a foot thick, though more generally it is much thinner, and lies in a flat plate. I have, however, seen it in veins of two feet thick. The deepest digging or quarrying I observed at this place did not exceed twenty-five feet; they had not yet begun a regular system of sinking shafts and cutting out drifts, but no doubt this will soon be done, as both the public and private lands around the whole region of Mine la Motte are, in my estimation, underlaid by rich veins of galena, that descend very deep towards the central parts of the earth. The superficial indications of this mineral are unerring.

On the approach to a mineral district, numerous localities present a confused, but distinct and rather unvarying character of crystallization. Imperfect nodules of siliceous matter, masses of mammillary quartz, the crystals of which are often superinduced upon chalcedonized concentric layers with an agate structure, indications of sulphate of barytes, with small fragments of sulphuret of lead in the rain furrows, betray the metalliferous rocks: these are the

situations which are chosen to commence new diggings in, and with invariable success as far as respects the finding ore. But from some works which have been recently constructed, and which I had an excellent opportunity of examining, I am confident a thorough reform in the whole system of mining in that interesting country is about to take place, and that it will henceforward be conducted upon acknowledged principles, consistent with the true nature of metalliferous veins, and that economical administration of the mines which will enable them to contribute powerfully to the national resources.

These works, which, when I visited them, belonged to Messrs. Taplit & Perry, are distant four or five miles from Vallee's mines, and about twenty-five miles from the point where I observed the quartzose sandstone jut out into the Mississippi. They are situated in a small valley at the foot of a ridge of calcareo-siliceous hills, and abound in the external indications I have before described. The proprietors, disregarding the superficial ores, and confiding in the metalliferous nature of the rock formation, had boldly sunk a shaft in imitation of some practical miners from England, on the other side of the hill, and had been rewarded with the most perfect success. In sinking this shaft, they had come, at random, at a depth of about sixty feet deep through decomposing calcareo-siliceous rock upon a vein of sulphuret of lead, and, going down, had reached another horizontal vein upwards of one foot thick, and throwing out from it numerous subordinate veins and threads, into all of which they had cut drifts, wherever the mineral was sufficiently abundant. They had sunk this shaft to a depth of about one hundred and ten feet, when I was there, and very obligingly let me down into it, and gave me every aid and facility in examining their works, which enabled me to observe the very curious structure of these metalliferous rocks, and to form a satisfactory opinion of the geological structure of all this remarkable country.

In pursuing the main horizontal vein, I came, in succession, to a great number of cavities or pockets—analogous to those of some parts of the gold region in Virginia—in the calcareo-siliceous rock, of various sizes. Some of these caves, as they are there called, are not more than four or five feet across, whilst others are much more extensive. I examined one which was about forty feet from top to bottom, and about thirty-five feet in diameter. The uniform horizontality of the veins would keep the true nature of their origin in great obscurity; but, before I reascended, I had an opportunity of examining what they called the *main channel*, which proved to be an almost vertical vein, filled with compact galena, and about eighteen inches broad. I found the course of this lode to be about N. N. E. and S. S. W., with an inclination of about 18°; and upon examining it further, and reviewing what I had seen before, I had no longer any difficulty in understanding that these horizontal veins, and their subordinate ones, were lateral jets from the main lode, after the manner that Mr. McCulloch has described the structure of the horizontal injections of trap rock into sandstone at Trotternish, in Scotland.* Having made these observations upon the direction of these veins, I commenced an examination of their structure more in detail, and found they were all what is called in some of the mining districts of England *wet veins*, being, without exception, encased, not in sulphate or barytes, but in pure bright red argillaceous matter, quite wet below, and cutting with a bright waxy face. This red clay accompanies the galena wherever it goes, always including it as in a sheath, and carrying along with it sometimes nodules of quartz, and of iron, zinc, and galena, which last compound is called by the miners *dry bones*. Every one of the pockets or cavities was filled with this red clay, even the large one I mentioned; but at the bottom of each of them was a thick bright plate sulphuret of lead, that seemed to have sunk to the bottom by its specific gravity. All these circumstances seem to point to a projection of this metallic and mineral matter from below.* At these mines, when circumstances are favorable, they can raise and bring to the surface, as I was informed, five thousand pounds of the mineral a day—a quantity that could be easily quadrupled if the demand for the metal justified it. This sulphuret yields sixty-five per cent. pure lead of commerce. I had occasion to observe, in numerous instances, that the mineral indications on the public lands were quite as encouraging as at the established mines; but this mineral of lead, to judge from obvious appearances, exists in such inconceivable profusion in the metalliferous region of the south of Missouri and the north of Arkansas, that, like the iron of which I am about to speak, it may be relied on for countless ages as a source of national wealth, and an interminable supply of the most useful metals.

Having completed my examinations of the lead mines, I pursued a southerly course, with the intention of visiting the district of primitive rocks, as it had been described to me, which lies on about the same parallel with the heads of the Merrimack river. At a considerable distance I perceived very lofty hills of a different aspect from any I had yet crossed, and having an abrupt and stony ascent. The rocks upon the slope of the chain are for a considerable distance denuded, and present a well defined syenite. The chain at a distance appears to run N. E. and S. W., but, upon crossing it, and examining it inside, it deflected into a crateri-form, reminding me, in some of its features, of some ancient volcanoes I had seen. In various portions of this district I found varieties of greenstone, alternating with some horizontal rocks entirely quartzose, and containing no lime. Upon one lofty hill of syenite I found immense breadths of this siliceous rock, extremely and ponderously impregnated with iron; and at a distance of about a mile from this, the iron increasing in quantity in the intermediate distance, I came upon one of the rarest natural metallic spectacles I have ever seen. Upon a mound sparingly covered with trees, I observed a veinlike mass of submagnetic iron, and having a bright metallic fracture, of a steel gray color. This vein was about one hundred and fifty feet above the surface of the adjacent plain, and at the surface had the appearance of being roughly paved with black pebbles of iron, from one to twenty pounds weight; beneath the surface it appeared to be a solid mass. I measured the vein from east to west full five hundred feet, and I traced it north and south one thousand nine hundred feet, until it was covered with the superficial soil. Unusual as is the magnitude of the superficial cublic contents of this vein, yet it must be insignificant to the subterranean quantity. This extraordinary phenomenon filled me with admiration. Here was a single locality of iron offering all the resources of Sweden, and of which it was impossible to estimate the value by any other terms than those adequate to all a nation's wants.† Upon a more minute investigation of the country, I found other similar metallic beds, though not of an equal extent, and all upon the public lands.

This syenitic chain comes up through the calcareo-siliceous beds of the country, extends for several miles, and stands separated from all other intrusive rocks, as far as my investigations permitted me to observe: some parts of it are traversed by veins of trap, none, which came under my observation, exceeding a breadth of two inches. At present, I am disposed to believe that it is an independent

* Vide McCulloch's "Western Highlands of Scotland."

* During the eruption off Sicily, in 1832, when the volcanic island was formed, the agitated ocean was filled for several weeks with red mud.

† It yields about sixty-five per cent. of fine iron, but is found not to weld easily, which I attribute to an excess of sulphur.

mass of intrusive matter, which has been erupted in the most remote periods, and I leave it to future philosophical observers to decide whether it is cotemporaneous with the injection of the metallic veins which I have described. It is highly probable that the shattered veins which have been before spoken of, and their parts left in different positions on their edges, have been rendered so by accidents posterior to their origin. The proximate causes do not require to be looked for at a great distance; the neighboring intrusive masses of syenite announce subterranean operations of great magnitude to have been at some period at work, and we have evidence that the adjacent country is occasionally subjected to volcanic action, perhaps attended with electric power of great extent, from the violent concussions to which it was subjected in 1812, when New Madrid and its vicinity, and the neighboring country to a considerable distance, were so agitated. Upon that occasion, extensive districts were raised and depressed, old lakes were choked up, and new ones formed. New Madrid is not one hundred miles from these shattered veins: the influence of the earthquake of 1812 was felt in their vicinity; and we can easily conceive of an electric force passing through these veins at some other period, and bringing them into the disrupted situation in which we now find them.

As I advanced to the south, the country bore the appearance of being still more pregnant with metallic matter; it became very hilly, the elevations at various points exceeding perhaps two thousand feet from the level of the sea. It was a succession of lofty hills and deep glens, of an arid, petro-siliceous character. Nothing was to be seen but nodules of flint and hornstone, masses of mammillary quartz and siliceous gravels, with not unfrequent traces of copper. Quartzose and siliceous matter seemed to have universal dominion; and so incoherent and anomalous were the mineral appearances occasionally, that if I had not traced the formations from the Mississippi, and kept a steady eye upon them, it would have been impossible for me to suspect that I was walking over the equivalents of the carboniferous limestone. Yet this was the fact; for, on descending into some of the deep glens, where there was a prospect of finding the rocks denuded, it often occurred to me to find regularly stratified beds of limestone and quartzose sandstone underlying amorphous masses of petro-siliceous matter; whilst mammillary quartz, nodules of opaque flint in concentric circles, and compact sulphate of barytes, were strewed around, with fragments of sulphuret of lead profusely lying about where furrows had been made by the rain. I crossed some lofty hills of massive dark reddish greenstone, lying in a course about southwest from the syenitic chain. On the flanks of some of those hills I found other extensive deposites of submagnetic iron, and frequently oxide of manganese, which the hunters call *black tin*. Zinc also is not uncommonly met with; and nothing is more general, especially in the fluviatile deposites near the streams, than profuse quantities of bog-ore and red oxide of iron.* This is especially the case with the deposites of the river St. Francis and its tributaries.

It would be but to repeat these incidents, to detail, in a minute manner, my progress to White river, in the Territory of Arkansas. The country presents a continual change of level, a never-ending succession of hills and valleys. From a remarkable eminence in Wayne, the most southern county in the State of Missouri, I enjoyed a singularly splendid view; numerous lofty ridges were seen running parallel to each other to the north and northwest. That upon which I stood, could not fall far short of three thousand feet from the level of the ocean, was not more than one hundred feet broad, and had a semicircular form, which imparted a crater-like appearance to the deep and gloomy glen beneath. This was as savage as the wildest nature could make it, and possessed a fearful, yet attractive character. The extent and grandeur of the view, the silence and solitude of the scene, were impressive; no birds were present, and it was uninhabited by wild beasts, for the country was of such an arid, siliceous nature, that there was neither water nor herbage, both necessary to the smaller animals, which are the immediate motives that lead the rapacious ones to prowl about.

The summits of all these ridges have the petro-siliceous character before described, and the calcereous beds are very commonly found in the ravines; occasionally, however, some of the regular beds are quartzose; and upon one occasion I found the oolitic beds of the carboniferous limestone, which I had recognised in the Cumberland mountain near Sparta, in Tennessee, and subsequently in Kentucky, *entirely silicified*, with the ovula unimpaired by the change—a fact in geology as important as it is rare, since it shows the influence which siliceous solutions have had at some remote period, not only upon organic remains, but upon the calcareous rocks in which they are imbedded. From the preceding geological circumstances of the parallelism of these petro-siliceous ridges, and the almost uniform presentation of the calcareous beds in the valleys, I am led to class these valleys amongst those which have been called *valleys of denudation*, considering the country to have been at one time continuous as to elevation, and that the valleys have been scooped out by the agency of waters, at some period when the ocean has retreated from this part of the country—an operation to which I have for a long time been led to attribute the peculiar structure of some of the Alleghany ridges.

After leaving the waters of the St. Francis, I had to cross those streams which are tributary to Big Black river—streams of great beauty, all rising in a siliceous country, and so extremely transparent that it is almost impossible to take the fine fish they contain, at their greatest depths, by daylight. These streams all run through alluvial bottoms of various dimensions and of great fertility; but at their confluence with Big Black river, an immense breadth of alluvial soil commences, which extends southeast to the Mississippi, enclosing vast swamps of deciduous cypress, but, with these, extensive rich bottoms of land eminently fitted for the culture of cotton and maize, and capable of sustaining a great population. These public lands, which, for a great extent of country, are subject to inundation from the back water of the large streams, could—as far as the information I received from persons acquainted with their situation is a warrant for my opinion—be in a great measure reclaimed by constructing levées at particular points. At present, owing to their liability to inundation, they are only known to the hunter who frequents the geographical line which separates Missouri from Arkansas, east of Big Black river, where herds of buffalo and elk still roam. Whilst I was in that neighborhood, I repeatedly heard of the buffalo, and saw the hide of a large elk which had been shot out of a herd by a hunter the day before. These are supposed to be the only remains of the buffalo and elk, which have lingered near the Mississippi, in a district where man has not yet permanently occupied the country.

Some of the tributaries of Big Black river, such as the Currant and Eleven point rivers, which disembogue in the Territory of Arkansas, rise far to the west, in the high petro-siliceous elevations before described. The following fact, as illustrative of the economy of nature, is interesting, and was so consant in its occurrence that at length I came to confide in it as a geological indication. Wherever these streams, towards their heads, had passed over nothing but siliceous minerals, and where calcareous matter was comparatively scarce, I found that those varieties of the fresh water shells belonging to the genus unio, which have been considered by some very zealous conchologists as distinct

* I have heard, from good authority, that cobalt has been found in Missouri.

species, were all wanting, except a few, which conformed in their external appearance to those simple types found in the Atlantic streams of the United States; those, for instance, which are found in the Schuylkill, in Pennsylvania, and in the Rappahannock, in Virginia. Whereas, where those streams had penetrated deeply into the hills, amongst the calcareous beds, or had risen almost amongst the calcareous beds at the eastern slopings of the highlands, as the Strawberry river does, I found a very great number of those beautiful varieties which abound in the Cumberland and Ohio rivers, and most of the streams running through the carboniferous limestone of the country west of the Alleghany ridges.*

In descending the southern slopes of these petro-siliceous highlands, I came upon the valley of White river, in Arkansas, which in some places is very broad, and cuts those highlands into two distinct portions. This stream, which is very little known in the Atlantic States, is one of the most important and beautiful rivers in the United States. It takes its rise in the western edge of that elevated country which has received the designation of Ozark mountains, and, receiving several important tributaries, some of which take their rise north of the thirty-seventh degree of north latitude, pursues its course for seven or eight hundred miles of serpentine windings to its mouth, south of the thirty-fourth degree of north latitude, watering that fine agricultural country, amongst the most charming portions of the Territory of Arkansas, which is comprehended in the county of Washington, and, pursuing a general easterly course to its great tributary, Big Black river, near which, having reached the confines of the highlands, it deflects to the south to mingle its waters with the Mississippi. This latter portion of its course lies through the richest alluvial lands, with excellent steam navigation the whole distance from its mouth to that of Big Black river, and showing an evident practicability of being made navigable still further towards its sources, two hundred miles to the westward. Big Black river itself might be made navigable for a great distance, and without much expense: if the willows and aquatic shrubbery, which impend over its banks in those parts where it is narrow, were only removed, it would be perfectly accessible to steamboats. I have deemed it proper to make these observations, because simple improvements of this kind would lead navigation into the vicinity of those invaluable mineral deposites which I have before described, and which, until something is done of this kind, must remain inactive, together with many other mineral substances both in Arkansas and Missouri, especially marbles and stones of construction.

Having traversed the valley of White river, I again ascended the formations I had been so long upon, and with the same indications wherever I went. Here again I found the horizontal limestone, overlaid by quartzose sandstone and petro-siliceous knolls, but always without organic remains; it would almost seem that the waters, which deposited these beds, were too hot to admit of animal life.† Having crossed Little Red river, one of the tributaries of White river, and the source and direction of which are south of this last, and proceeded some distance south, I perceived a coming change in the geological formations. The sandstone became exceedingly ferruginous; and from an eminence about forty miles from the Arkansas river, I had a grand view of a perfectly flat wilderness, about ten miles broad, terminated by lofty ridges running east and west. There was not a patch within the horizontal bounds that indicated a settlement; nothing but a dense forest, containing, as I had been informed, and as I afterwards found, no water, except a few putrid pools in the bottoms of the bayous. In this grand picture of the wildest American scenery, there was nothing to break the comprehensive and uniform woody character, but an immense conflagration that was raging in the distance, in my line of advance, and from which rose a dense volume of smoke. Fires of this kind are often occasioned by the inadvertence of hunters, and sometimes purposely to drive game in particular directions. I had often passed through many miles of fired land, where the smoke not only obscured every thing around, but where it was a painful effort to resist the inconvenience it occasioned. On extricating myself from this arid plain, I reached a ridge with an elevation of about 70°, and here I perceived the geological formations were changed; the rocks had become highly inclined; the sandstone had become much intermixed with narrow seams of quartz, which was not compact, but consisted of fibrous bundles of imperfect crystals closely wedged in upon one another. Subsequently, pursuing a southerly direction, I crossed, within a distance of eight miles, four abrupt ridges, running east and west, consisting of highly inclined reddish ferruginous sandstone, intersected by seams of quartz; and, examining the country around with greater diligence, I found that the sandstone rested upon grauwacke slate. I had many opportunities, during the remaining part of my progress to the banks of the Arkansas, to verify this observation, and to satisfy myself that I was upon the true equivalent of the old red sandstone and grauwacke of English geologists. In various situations I found the old red sandstone formation exceedingly broken up, and the fragments piled up, as it were, in great masses. There are some singular instances of this within three miles of Little Rock, on the north side of the Arkansas river.

The advance to Little Rock, in this direction, is over two miles of alluvial soil, perfectly flat, and the extremely steep bank of the river, during low water, shows on the north side no rocky structure whatever; but on the south side the grauwacke slate crops out very boldly on the bank, and, being the first stony substance met with ascending from the mouth of the Arkansas river, has given its name of Little Rock to the present seat of Government of the Territory of Arkansas.

The grauwacke slate here is highly inclined, and dipping S. E. is traversed by very broad bands of quartz; no red sandstone is superimposed upon it at the river, but at a very limited locality on the bank I found a calcareous dedeposite containing marine fossil shells belonging to the tertiary beds.* Three miles west from Little Rock, this deposite reappears in considerable quantities, and is quarried for the purpose of making lime. A few miles distant from the seat of Government, the old red sandstone is almost replaced by quartz, especially to the northwest, in the direction of the Great Mammelle river. At a distance of five miles from the town, the ridges of old red sandstone occur again, running about east and west. The Mammelle mountain, distant about eighteen miles from Little Rock, is an outlier of the same formation: the southwest aspect of this cone is very imposing, and bears a strong resemblance to a pyramid; on approaching it, the whole facade presented a lofty mural escarpment, about seven hundred feet above the level of Arkansas river, according to the computation I was able to make, with a broad talus at the bottom. The southwest edge of this pyramid showed

* I consider this remarkable fact deserving the attention of those philosophical conchologists who distinguish the present period by so much zeal and talent; for certain it is, that to a mind not indoctrinated in the mystery of specie-making, it appears probable that the external arrangement of a testaceous covering, which is so much relied on as a basis for establishing a species in the place of a variety, may, in a very great number of cases, be due to the presence or absence of calcareous matter.

† I think sufficient consideration has not been given to the probable prevalence of mineral solutions from below of a high temperature, at once the source of these immense horizontal deposites, and of the production of tropical plants, at that early period.

* Ostrea, turritela, calyptrea, cerithium, &c.

the truncated beds of the rock, standing at an elevation of 75°, and in some places they were vertical. From the summit of this mound there is a surprisingly beautiful view of the surrounding country; wherever the siliceous ridges are, pine timber exclusively prevails, and where the river inundates the low lands, there the deciduous trees betray the inroads it makes. Immense quantities of rich land will be here reclaimed when the system of making levées is introduced. I also visited some isolated highlands on the opposite side of the river; one named Crystal hill had been pointed out as interesting to a mineralogist, and some persons at various periods had pretended to work there upon a silver mine. Crystal hill is a mere outlier of old red sandstone, much inclined, and based upon grauwacke shale and slate. The slate near the river is occasionally very much diversified by strong ferruginous bands, and at very low water shows a good deal of sulphuret of iron. These minerals present appearances which have deceived some sanguine persons, some of whom I met with, urgently desirous of being correctly informed on this subject. After I had completed my examinations of the Territory, and arrived at Little Rock on my return, I thought it a point of duty to warn them against wasting their means in a pursuit, of the probable advantages of which they were not competent judges, and respecting the prosecution of which they were unable to determine where they ought to begin, and where they ought to desist; and I stated to them, what I here repeat, that I had never seen, in any portion of the Territory of Arkansas, the least indication of the precious metals, apart from a very small portion of silver contained in the sulphuret of lead. Nor, indeed, did I ever find in the transition rocks of this part of the country any fossil except a new species of petremite in the old red sandstone near the Mammelle.

Having made such examinations in the neighborhood of Little Rock as my opportunities admitted of, I directed my course west, towards the hot springs of Washita. On leaving the town, I soon got once more upon the old red sandstone, reposing on the grauwacke, and indeed never left it, with one exception, until I drew nigh to the Little Missouri river, south of 34° north latitude. I crossed a small stream, called the Fourche, which runs into the Arkansas, and the heads of other streams said to run into bayou Bartholomew, though I cannot vouch for the accuracy of this last fact, which I had from report. This is a stream that will be of importance hereafter to the settlers in that part of Arkansas, as it is very long, may easily be made navigable, and passes through the fertile county of Chicot, whence it disembogues finally into the Washita river, in the State of Louisiana. Where I crossed these streams—and I add the Saline river, another important trbutary of the Washita, which I crossed twenty-eight miles from Little Rock—I invariably found, upon a minute investigation of their beds, the same tertiary deposite of marine shells* which I had seen at Little Rock. In the bed of the Saline, I found, at a depth of not more than a foot under the surface, a regular calcareous rock, enclosing immense quantities of oyster shells, the rocky part being evidently formed from the broken down exuviæ of marine animals, disintegrated in long periods of time. The settlers in the neighborhood, whose chimneys were built of mud, which had to be replaced annually, were extremely well pleased with the discovery of a mineral so useful to them for domestic purposes.† At thirty-five miles from Little Rock, the country is covered with ferruginous conglomerate of the old red sandstone. Wherever this latter rock is found, the pine‡ prevails, as is usually the case in siliceous countries; but, about forty-eight miles from Little Rock, I observed an approaching change in the timber, the pine having entirely disappeared, and being replaced by deciduous trees.

Where this change commenced, I found a total change of mineral structure; the old red sandstone had given place to an ancient greenstone, containing great quantities of crystallized hornblende. The rocks rose here about one hundred and fifty feet, and having reached the top, I saw I was upon the brim of what—in the western part of Virginia, near the Clinch mountain, where I have seen several, as well as in the neighborhood of Sequatchee valley, in Tennessee—is called a cove: this cove, which is not quite circular, but rather affecting the form of a gourd, has an anterior basin, which slopes pleasingly down, and contains, probably, one thousand five hundred acres of very excellent soil. In various parts of the bottom, I found large masses of decomposing felspar, studded with black tourmalines, some of which were in long prisms, whilst others formed a stellated figure of beautifully delicate acicular rays. Some of the felspathic rocks were filled with amorphous masses of white sulphuret of iron, believed by many persons to be silver. In other parts of the cove I found masses of coarse grained syenite, consisting of red felspar, hornblende, mica, and some quartz. But what will always give celebrity to this remarkable locality, now called Magnet cove, is the magnetic iron which abounds there. There is an extensive mound of it covered with pebbles of magnetic iron, from an ounce to four pounds weight. From some examinations I made by digging, I am certain these loose pebbles, like those of the vein of iron in Missouri, overlie masses of the metal of prodigious extent. Some of the specimens I obtained possess a surprising magnetic power; and such is the influence of the mass in place, that Colonel Conway, the surveyor general, informed me he had been unable to survey the country, as the needle will not traverse on approaching this locality. From a careful examination of the different portions of this most interesting cove, I came to the conclusion that the whole structure of this elevation, as far as its exterior as well as its interior slopes were concerned, was an old greenstone belonging to the intrusive rocks, and occupying, for a limited space, a place amidst the old red sandstone; that, as far as the greenstone extends, all the trees are deciduous, and without its limit all the trees are evergreens and pines. It is impossible to look at this quasi-circular brim, and the cove below, and take into consideration, at the same time, all the minerals and metals found there, without being impressed with the opinion that it is the result of a very remote volcanic action, and is, perhaps, one of those extremely ancient craters that may have preceded those of which basalt and lava are the products.

The distance from Magnet cove to the Hot Springs of the Washita is about sixteen miles, keeping always upon the old red sandstone, and no change in the mineral, except one vein of greenstone, with small plates of brown mica, which crops out at about half the distance. At length, nearing a considerable ridge, and turning into a small valley about fifty yards broad, I saw, from the appearance of things, that I had reached the Hot Springs of the Washita, so great an object of curiosity to men of science, and so little known to the rest of the world.

This valley, which runs about north and south, and divides two lofty ridges of old red sandstone, extends about eight hundred yards, and then deflects to the west. At the foot of the eastern ridge, which is about five hundred feet high, flows a lively stream, which rises in the hills to the northeast: this ridge has, towards the top, a dense growth of pine and oak trees, amongst which are strewed fragments of the rock, often very ferruginous, and pieces of a strong band of ironstone, which traverses the ridge in the direction of N. N. E. and S. S. W., and dipping S.

* Of the Eocene period of Mr. Lyell.

† These deposites evidently belong to the period when the ancient littoral shore was washed by the ocean.

‡ Pinus Australis, Mich.

E. with the sandstone, at an angle of about 45°. There is also some conglomerate on this hill, held together by ferruginous cement. The stream, for a considerable distance, runs upon the grauwacke slate, upon which the sandstone rests. I had entered the valley but a short distance before I saw, on the flank of the east ridge, a rock of a totally different character from that constituting the ridge, impending, like a curtain, down to the stream, and I at once recognised it for a tavertin deposited by the mineral waters. The curtain, with some intervals, extends along the stream for about four hundred yards from the slope of the ridge, presenting sometimes abrupt escarpments of from fifteen to twenty-five feet, and at other times showing itself in points and coves advancing into and receding from the stream. This travertin extends back east from the stream about one hundred and fifty yards, leaning upon the acclivity of the old red sandstone, to where several powerful springs are now situated. Some of the springs rise in the bed of the stream; one very fine spring rises in its west bank, and numerous others, of which perhaps thirty rather copious ones are found at various heights on the ridge, rising through the old red sandstone rock. Of springs of feebler force there are a great many. Sometimes one or more of these are said to disappear, and it is certain that new ones are frequently breaking out. Some of them issue from the rock at an elevation of at least one hundred feet from the valley, where the present log cabins are built, and where a flourishing village will no doubt exist ere long. A more beautiful and singularly convenient situation for a town cannot be imagined; for, by the aid of the simplest frames to support spouts, the hot water may be conveyed to the houses in great profusion, for baths and medical purposes, as well as for domestic uses. Upon repeated trials with my register thermometers, I found the water of some of the principal springs to be 146° of Fahrenheit, and I never found it higher, although I should not doubt that, during very dry weather, when the mineral springs were not attenuated by the atmospheric waters, they would mark a few degrees more. But, during my stay, I always found the water hot enough to make my tea without any further boiling, as well as to wash my clothes. Indeed, in this locality, the hot water is so abundant that I found it often troublesome to procure that which was cold, for the Hot Springs occupying a breadth equal to four hundred yards of the base of the ridge, all the hot water was discharged into the creek, which in many parts was of a temperature just fitted for a warm bath; and what further assists to keep up its temperature, is the great number of hot springs rising through the slate at the bottom of the brook: this can be seen at almost a hundred places; and although the water does not scald the hand there, still, upon insinuating my fingers a few inches below the ground at the edge of the stream, I was obliged to retire them instantly, having more than once burnt them in that way. If this stream were turned, it is incredible the quantity of water of a temperature perhaps always equal to 145° Fahrenheit, which might be obtained. During the summer droughts, when the stream is low, no fish are ever seen in it, the water being too hot; but when the season arrives for the cold waters to enter the stream in considerable quantities, then trout, perch, and other fish, are taken in all parts of it. I was told, however, that at other portions of the summer, when the whole volume of the stream was not so much heated, the fish would sometimes come up the brook in those parts where no springs came through the slate, but always swam at a particular depth; when crumbs of bread were dropped into them, they rose to them, but stopped when they reached the stratum of hot water, which, being rarefied, was at the top. Frogs and snakes, when forced into the hot water, or falling in inadvertently, immediately stretch themselves out and die. These mineral hot waters, except one or two of the springs, which are slight chalybeates, are tasteless, having not the least saline trace. A person totally unacquainted with mineralogy, and not aware of any difference between travertino and old red sandstone, might suppose the mineral structure of all the rocks to be homogeneous, and that the waters, not differing in their taste from ordinary warm water, were without any mineral constituent, as the hot waters of the Washita have been reported to be; but these immense deposites of carbonate of lime attest the contrary. On digging about twenty-five feet above the level of the brook, I went through a foot of the carbonate, with traces of sulphate of lime, and then through a dark red oxide, with reniform masses of nodular iron, with botroidal faces. The sulphate was deposited in layers in acicular form. I then came to masses of ferruginous sandstone belonging to the ridge. These seemed to have been loose, and to have been recemented by the deposites from the water, which had filled up all their interstices. I took out one large mass of iron, the walls of which were, in some places, two and a half inches thick, of rich hematite ore, the inside of the nodule containing gypsum and a deep red oxide. These masses almost led me to suppose that they had been deposited by the springs, and that the iron had thus been aggregated by molecular attraction. It is not improbable that the ferruginous matter has been carried to them, during the immense periods of time which have elapsed since these springs first appeared, by atmospheric waters trickling amidst the ferruginous materials of the ridge; the iron certainly appears to be accidentally there. I observed, also, that where these great quantities of the oxide of iron were, it was evident a stream of hot water had passed for a long period of time, and beneath the superincumbent deposite of carbonate of lime, which, as these hot waters have frequently changed their direction, might very well be. I perceived one considerable underground stream of hot water issuing from a cavity near the bank of the brook, and, upon examining it, found the process going on, iron depositing on the sides, and soft seams of sulphate of lime already established. Under these circumstances, I would not pronounce any of these waters to be natural chalybeates. It is probable that a great many mineral waters acquire some of their properties *in transitu*. I have supposed this to be the case in some sulphuretted springs I have seen, that rise through beds of slate and coal, loaded with sulphuret of iron, much of which may reasonably be thought, at particular depths, to be in a state of decomposition. For the carbonate of lime contained in these hot waters, we may infer a different origin; nor can we consistently assign to the prodigious quantity of caloric which has probably for such immense periods of time raised the temperature of these springs, any source short of those depths from whence the intrusive rocks, the veins of iron, and various other mineral phenomena of the vicinity, have sprung.

These thermal waters rise in a very limpid state, but as soon as they get into motion, and their parts become exposed to the atmosphere, a mineral deposite commences, attaching itself to dead leaves, to sticks, to any thing that serves for a point of adhesion; upon this deposite a brilliant green enamelled looking substance presents itself, which increases and thickens, in favorable situations, until it takes the thickness of half an inch. When this can be detached from the calcareous matter it covers, it has a vitreo-gelatinous appearance, somewhat of the consistency of those glairy substances produced in stagnant water in very hot weather. As long as the water runs over it, it continues to thicken and look green; but when the deposite has dammed up the course of the water, and another course is formed, which is constantly doing, then this green substance, being forsaken by the water, dries up, and crisps on the surface of the ground, like dead lichens. This dead stuff I examined with a powerful glass, and found that it was a mineral substance of a whitish gray color; on the under

side it preserved still a deadish green appearance. In the course of time it undergoes a change, and changes to a deep black calcareous mould, on the surface of which I found, as is frequently done in decomposing travertins, an immense number of individuals of various species of helix.

From many other curious details respecting this mineral substance, which appears to have some affinity with the constituency of some prairies I afterwards visited in the vicinity of Red river, I must refer to those more detailed observations that will more appropriately form part of the labor of some future leisure hours, when some experiments which I have to institute shall be matured. And in relation to an analysis of the mineral contents of the hot waters of the Washita, it was always my intention to have attempted one, after the best methods my very limited experience in operations of that kind permitted; and I had, on my departure from the Atlantic States, provided myself with such apparatus and reagents as would have enabled me to produce some proximate results: but, upon leaving St. Louis, Missouri, perceiving it was more than doutful whether I should get my luggage through the mountains, and a speedy opportunity, as I thought, presenting itself, I sent it by water to the mouth of White river, and it had not reached Little Rock when I left that place for the Hot Springs. I was, therefore, compelled to content myself with some simple examinations of the waters, and with putting up carefully some bottles of them, in order, on my return, to submit them to the analysis of some distinguished chemists, better entitled to the confidence of those interested in the result than I claim to be; which analysis I hope ere long to be able to state, with the authority of the name of the analysts.* That these waters annually perform very admirable cures of chronic complaints incident to southern climates, is well known there; and that their efficacy, and the beauty and salubrity of the country, will soon cause the place to be resorted to from far and near, as soon as proper accommodations for visiters can be prepared, is very obvious. They seem providentially placed there for the use of the inhabitants of the low lands in the vicinity of Red river, and their value deserves to be made extensively known.

About three miles northeast from the Hot Springs the country is mountainous and broken, consisting of cones and ridges from three hundred to five hundred feet above the streams, which meander in very narrow bottoms. If, in Missouri and the north parts of Arkansas, I had observed the singular propensity to subsitute siliceous for calcareous matter, here I found the ferruginous hills of old red sandstone, sometimes consisting of solid masses of flint, at other times of a beautiful novaculite, and again of ferruginous sandstone, with heavy veins of iron passing through them, and imparting a chalybeate character to many springs issuing from their slopes. These hills contain that beautiful mineral substance called the Washita oilstone, which is sometimes well exposed in small vertical layers, and which adhere so tenaciously to each other that, on account of their remarkable brittleness, they are separated with much difficulty. It is not easy, for this reason, to obtain good specimens of it. The curious gradations of this siliceous matter, in the forms of old red sandstone, flint, novaculite, hornstone, and quartzose rock, are surprising. For many miles these lofty hills present a succession of these minerals, in various forms. In some parts rock crystal abounds in great profusion, and of a good transparency and large dimensions: beautiful crystals of quartz, of a large size, are also found, with double terminations, and not unusually of a bright topaz yellow color. But the most remarkable mineral I saw was the novaculite, or oilstone, a siliceous stone of a pearly semi-transparent nature, presenting singularly smooth natural faces, and occasionally tinged, in a very pleasing manner, with metallic solutions. Lofty hills are found there, composed entirely of this material. On one of these I saw several large pits, twenty or thirty feet deep, and as many in diameter, resembling inverted cones, the insides of which were covered with broken chips of this beautiful mineral, some white, some red, some carmine, some blue, some quite opalescent. In and near these pits round and long masses were scattered about, of a hard greenstone I had found in place eighteen miles distant, and none of them too large for the hand. They were, undoubtedly, Indian tools, and these were the quarries from whence the Indians had formerly obtained the materials they used for their arrow heads, and other weapons of offence. I found no arrow heads there, however, but subsequently on many of the alluvial banks of the streams in the country around, amidst the circular holes and mounds, where their now fallen mud cabins formerly stood, prodigious quantities of chips of the same mineral, and of broken arrow heads also, were strewed around; from whence it may be inferred that they resorted to the mountains for pieces of the mineral, and carried it to their villages to fabricate. Although it is true that no flints have yet been found in the United States, in the chalk formation, yet, in Missouri and Arkansas, inexhaustible quantities of flint are to be obtained, of the best quality, and from the most accessible situations.

During my stay here, I endeavored in vain to procure a guide to cross the country with me to Cantonment Towson, on Red river, opposite the confines of the Mexican territory; in this direction, except for a short distance, there is not even a bridle path; all roads terminate here, and the passes are only known to the hunters; but heavy rains had set in, and the mountain streams were excessively swollen; the hunters, too, were averse to break off from their favorite pursuit of bear-hunting, which commences at this season. Deeming it imprudent to run the risks to which, under these circumstances, and at so late a period of the year, and without a hunter to provide me with food, I should have been exposed, I reluctantly gave up my intention of further exploring the hills in that direction, and accordingly directed my course to Red river, lower down the Washita.

This river runs upon the grauwacke slate which crops out in various parts of its banks, and it will deserve the attention of future travellers to examine, with great accuracy, the rocks in its vicinity, as I saw indications, which I had neither the time nor the means of effectually pursuing, of the existence of non-bituminous coal—a fact of great importance to the future prosperity of that part of the country. The anticipation, too, is strengthened by those important deposites of anthracite coal, in Pennsylvania and Virginia, being found in the transition formation. On my way I passed between the left bank of the Washita and Magnet Cove, leaving it to the northeast, and observed the same difference on this side, between the trees growing on it and the evergreens growing on the adjacent sandstone, which I had remarked on my advance. The route led through a wild romantic country of flinty knobs, and little vales excellently watered. From the Washita to the Caddo river, for about thirty miles, the elevated parts of the country consist of the same siliceous knobs and uplands, some of them approaching to the oilstone of the Washita, and well watered by numerous streams, with limited bottoms of considerable fertility intervening. The *myrica cerifera*, or candle-berry myrtle, was very abundant on these siliceous lands; the deer also were in great numbers, as well as strong gangs of wild turkeys, strutting about in their finest plumage. These birds occasionally take flight with as strong a wing as the wild goose, and light upon the tallest trees. Three miles before I came to the Caddo, the country began to descend

* The gaseous volume is insignificant, azote and a trace of carbonic acid; the solid contents are carbonate of lime, carbonate of iron, and a trace of sulphate of lime.

towards it, and nature began entirely to change her aspect. On crossing the river I entered upon an extensive level cane brake,* in a bottom of great fertility. Here I again found the tertiary limestone in the bed of the river, and in some adjacent bayous, with the fossils I had before seen at Little Rock. This is a favorite resort of parroquets and ivory-billed woodpeckers.† The plants are all deciduous; the old red sandstone, with its pines, is no longer seen, except at very distant intervals, where slight vestiges of it appear. The soil is of an excellent quality, and the bottoms are covered with laurel and holly, which last becomes a tree of considerable magnitude, having a diameter frequently of twelve inches. The almost impenetrable cane brakes, lying five or six miles on each side of the Washita, (into which the Caddo falls near where I crossed it,) and which are of very great breadth in some parts of its course to join Red river, and to where this last falls into the Mississippi, can never be reclaimed until levees are constructed to preserve the lands from inundation.

Not far from the junction of the Caddo with the Washita there are some salt brines, the natural strength of which it is impossible to measure whilst the soil is so saturated with river water; but eventually, when wells are sunk beneath the beds of the streams, and properly secured, there can be no doubt but that the country will possess salines adequate to its wants. I saw specimens of sulphate of lime, also, which induce me to think that deposites of that mineral may be found ere the wants of the country may require them. As a mineral manure, it would probably be found very valuable when applied to the siliceous soils north of the Caddo, as well as others yet to be mentioned, a little north and northeast of Red river.

From the Caddo to Toûrnois creek, the distance is about fifteen miles, always upon good level soil. Part of the country, however, was sandy, with heavy beds of a bluish green arenaceous clay, containing a trace of lime. I found no fossils or impressions in it, but was induced to believe it was the equivalent of some tertiary beds I had seen near Shirley, on James river, Virginia. The whole of this part of the country almost seems to be underlaid with rotten limestone, derived from broken down marine shells. The country hence, for several miles, consists of good bottom land, full of holly and laurel, with occasional hills of old red sandstone of moderate size, with their usual pine trees. Having gone about twenty miles, the country fell again to the south, and I soon came to an important stream which rises to the northwest, and empties into the Washita, called the Little Missouri, from its waters being of a dusky red, muddy color. On crossing this stream, I entered upon a dense low bottom of the richest soil, covered with cane, holly, laurel, and swamp timber, intersected by numerous bayous; this lasted for three miles, when the country began to rise a little again; and, after advancing a few miles, I came upon a singularly black waxy soil of a carbonaceous color, entirely different from any thing I had yet observed, except the surface of the travertin, at the Hot Springs, which, as I have before observed, was not dissimilar to this, agreeing further in the profusion of helices and other land shells with which it abounded. The country here appeared to consist of a chain of prairies running westward, and parallel with Red river for a very great distance. Some of these prairies were mere bald spots, of half an acre and upwards, surrounded by plants, whilst others were said to contain several hundred acres. In every instance they were surrounded with a belt of timber and plants peculiar to the country. I was informed by Judge Cross, a gentleman well acquainted with the country, and to whose intelligence and hospitality I owe many obligations, that these prairies extend probably many hundred miles to the west, and that it is an opinion deserving of being entertained, that plants are encroaching upon the prairies generally. It was with sincere pleasure I found myself upon geological grounds, with which I was well acquainted. The prairies were covered with the fossils which, as I have before observed, characterize the New Jersey green sand formations,* but the superficial soil was uniformly of a deep black color, resembling charred wood, and in wet weather is of a waxy, plastic consistency, that makes it extremely disagreeable to move amongst. Its fertility is remarkable, and renders it eminently fitted for cotton, which, as I had many opportunities of observing, succeeds well. The black soil, which is substantially calcareous, contains, as I found from slight experiments, a proportion of carbon.

This was one of the most lovely countries I had seen, a gentle rolling surface and fine woods, in which is an abundance of the indigenous crab apple,† with the beautiful bow wood,‡ or bois d'arc, as it is usually called. On examining where the streams had abraded the lower parts of the land, and digging in various places, I found that all these portions of the country, which consisted of prairie land, were bottomed upon immense beds of rotten limestone, derived from the testaceous remains of the mollusca I have named, entire shells of which in a soft state are still imbedded in the broken down masses once composed of shells. The zone of black land here does not appear to have a breadth of more than five miles; wherever it is, the same fossils are found, with the undervalves profusely scattered around on the surface. Sometimes the black earth gave place to a deep red marle of great fertility, but in this marle I found no shells; they seemed peculiar to the black prairie land. It was evident I was here upon an ancient floor of the ocean, from which we may infer it had retired with comparative tranquility, the surface being so little disturbed. The broken down marine shelly matter had accumulated into local beds and extensive hill deposites, after the manner in which we know some existing species accumulate, and the general irregularity of the surface was not dissimilar to that which is presented by the various soundings of marine coasts, where recent surfaces are forming. These accumulations are more or less covered with a vegeto-animal deposite, that, by the constantly acting power of the elements, is partially removed, and carried by rains towards the streams; hence this covering is diminished in some places, and thickened in others. In some situations the black soil is two or three feet deep, whilst in others it is only a few inches thick, in which latter situations the tender roots of plants having, in extreme dry weather, to contend with a caustic calcareous bed, are liable to perish; the Indian corn, for this reason, is sometimes what is called fired, its leaves drying up and wasting away. These characteristics of the prairie country, as far as this particular zone of prairies is concerned, is common to a vast extent of country to the west of the points I examined. To the east the zone extends from north latitude 33° 40′ to north latitude 32° 30′, in the State of Alabama,§ and can be traced at intervals to north latitude 40° 20′, in the State of New Jersey. Throughout this very extended line, all of which I have personally examined, the characteristic shells of this subcretaceous formation have been found. I possess gryphæa, exogyra, and other shells from localities far up the False Washita, the neighborhood of the Kiamesha, from Mount Prairie in Arkansas, from Mississippi, from Prairie Bluffs in Alabama, and from New Jersey, all of them identical; and in the subcretaceous deposites of Alabama, I have found the greatest profusion of the fossil equivalents of the genera peculiar to the green sand beds of Europe. I hope at no distant period to be able to trace with some pre-

* Miegia macrosperma.
† Picus principalis.

* Gryphæa convexa, exogyra costata, &c. &c.
† Malus coronaria, twenty feet high, ten inches in diameter.
‡ Maclura aurantiaca.
§ Wells, five hundred feet deep, have been dug through rotten lime stone, into slate with quartz.

cision, the ancient littoral bounds of that geological period, so clearly demarcated by all the unequivocal circumstances I have described.

In relation to those areas which have received the appellation of prairies, from their surfaces, denuded of timber, being at certain seasons covered with long grass, I am not of the opinion of those who think that all prairies have originally been produced by firing the timber annually, and thus, by repeated combustions, destroying the timber as well as the sprouts. That much ground has been denuded by such means, I would admit, and the cause certainly would appear a sufficient one for those prairie districts to which no other cause apparently could be assigned. By whatever method plants begin first to germinate in such deposites, it is evident, as I have before stated, that where the vegetable matter is thin, and the season unfavorable, they are liable to perish; and where they would not altogether perish, it must be remembered that this country was stocked, as the more distant prairies still are, with buffalo, which would, by their periodical occupation of the country in numberless herds, assist in exterminating plants of a vigorless constitution. These may be enumerated amongst the efficient causes of a prairie or meadow state of extensive tracts of country. This view of the subject is somewhat strengthened by the fact of plants, in modern times, encroaching on the prairies; for I have observed they encroach on the sides where vegetable matter has been washed and accumulated, finding a nutritious bed there, into which they can push their innumerable delicate fibres, secured from the devastating teeth and hoofs of the buffalo, which have now all left this part of the country; for where man settles, that animal never remains long. But there is also another view of the subject.

These vast prairies of the West, as well as the diminutive ones in question, must be admitted to be ancient floors of the ocean. When it abandoned them, they were, of course, without plants; and unless we admit their spontaneous growth, we must suppose them to have germinated from seeds derived from plants growing on lands which had been left with a higher level than the ocean, before it receded from these prairies. Their borders would, of course, be planted first, and thus we can conceive of every new generation of plants giving some of its seeds to the winds and the waters, and gradually extending the forests, like the present members of the human family, advancing upon and settling the country for the use of posterity. This seems a more natural and just method of accounting for the immense prairies of the West, and the pampas of the southern portion of the South American continent, than conjectural opinions founded on a convenient method adopted by the Indians of securing their game, and which they have practised at all times, certainly with the effect of thinning, but without destroying the timber, as we know from the immense forests of Virginia, Tennessee, Kentucky, Indiana, Missouri, and Arkansas, which were once annually fired by the Indians, to burn the high grass, that they might better see their game—a practice which destroyed the undergrowth, but only thinned the trees; and now that the Indians have left these countries, we find the undergrowth rapidly occupying the ground again. Before we receive opinions altogether hypothetical in relation to the cause of the prairie condition of land, it seems as if we were bound to inquire what was their first condition, consistent with the geological fact that they are ancient floors of the ocean. It, therefore, appears to me to be probable that many of these prairies have never, since the ocean left them, been covered by any vegetables of greater importance than the gramina. Under this view of the matter, it is consistent to suppose, what is personally known to me to be the fact in many observed instances, that trees and plants may be transplanted to those prairies with perfect success.

It has appeared proper to me, in drawing up an official report, which has for its object the practical advantages to be derived from geological investigations, to abstain from entering into the consideration of some of those particular branches of geology which impart at this moment so much interest to the scientific literature of Europe; and if I have inclined to the support of an igneous theory for the origin of the rocks in the inferior portion of the geological series, it is because I have been convinced, by a long study of the mineral phenomena connected with the primary rocks of this continent, that there is no other conclusion to which similar phenomena can ever probably lead my judgment; and I have no reason to suppose it is unsafe ground, since the most eminent cultivators of the science in Europe, upon an examination of their own continent, have come to the same opinion. The deliberate opinions of such men, enriched by all the aid that chemistry and other cognate branches of the science are susceptible of, are themselves authority. But I was chiefly led to express the opinions which are found in this report, respecting the supposed expansive power resulting from the igneous forces operating in the radial space, by the expectation that it would lead many ingenious minds, who had not turned their attention to the structure and origin of metallic rocks, to examine some interesting localities through the medium of these opinions, which, as they have never deceived me, would thus, I trusted, be useful to them. In this, as well as in all my investigations, I have been sincerely desirous of making my labors useful, rather than of embellishing them by any deviation from a rigorous examination of facts, upon which all true and useful results depend.

The exigencies of society have reached a stage in Europe, to which we are advancing in this country. There, not only the metals, but every rock, every stone, every bed of sand or clay, has its value. A quarry of stone, of whatever quality, produces an income, and canals and railroads are the facilities which carry them cheaply to their destination. A very few years ago, geology, in this country, was merely considered a liberal branch of knowledge; now, it is universally deemed a science which teaches the true structure of the earth, and the most probable situations in which its metals and minerals are to be found. Before many years elapse, the study of the science will be general here, because the wants of society are enlarging. In the increasing desire manifested in the States to establish geological surveys, we have the evidence of this, and of the existence of a spirit that must lead to a very great development of the mineral resources of the country, as well as the extension of its intellectual character.* But, in putting these State enactments into operation, it should never be lost sight of, that the advantages to be derived from investigations, the proper and sole objects of which are physical facts, depend entirely upon the practical experience of the persons to whom they are to be intrusted.

Geology, although it may be divided into four principal branches, mineralogy, conchology, ancient zoology,† and botany, has now become so far the study of universal na-

* It is somewhat remarkable that New York, a State conspicuous above the other States for its immense resources, and distinguished for the great results which have been produced by the active enterprise of its citizens, should be one of the very last to make those investigations which that eminent and lamented statesman, De Witt Clinton, so earnestly recommended many years ago to the Legislature. The citizens of that State are too intelligent to be ignorant that the wealth and power that give great Britain so great an influence in the world are essentially drawn from her coal mines. This country must ultimately be thrown upon her coal, as that country has long been, for fuel for domestic purposes, and for the support of its manufactories. And yet, with internal improvements that would distinguish any age, and in possession of the knowledge that her territory contains every indication of coal, New York has taken no step to become acquainted with the extent of that portion of her mineral resources.

† Amongst the numerous meritorious naturalists of this country, it would be unjust not to allude to the distinction Dr. Harlan, of Philadelphia, has attained by his accurate knowledge of comparative anatomy, and his enlightened zeal in promoting the cause of natural history.

ture, that all the laws of physics are recurred to for purposes of illustration; even astronomy appears destined to contribute largely to the elucidation of the earth's structure, and, reflectively, upon that of the most distant planetary bodies. The cultivators of these three last branches are principally engaged in collecting evidences of a former state of things, from deposites containing organic remains, whence to deduce arguments for the true causes which have governed the present disposition of the stratified masses of the crust of the earth. The eminent European writers in these branches are well acquainted with the inorganic rocks, and, by their genius and untiring zeal, have made a deep impression upon the present age. The voluminous literature of which they are the parents, has found an immense number of admirers amongst men of varied attainments, most of whom, though well acquainted with geological literature, have not had practical opportunities of examining nature extensively, and reconciling the complicated and irregular manner in which, perhaps, the same operation is effected in distant localities.

The mineralogical branch is composed of men who, keeping up with the knowledge of the other branches, have devoted themselves rather to a practical study of that portion of the geological series which comprehends the metalliferous rocks, and the other productive branches. In England, the demand for useful information from this class is so great, that the profession of *mineral surveyor* has grown out of it, one entirely unknown at present in this country.* In estimating the value of an estate there, the capacity of the agricultural surface is not alone considered, but a great importance is given to the probable perpendicular value of every acre, as it can be computed upon geological principles. The value of an estate to an individual depending very much upon these circumstances, men of long experience and approved judgment are alone confided in. If this, as it must be seen to be, is of so much consequence to individuals, of what immense importance is it not to the State Governments, in putting their enactments into operation, to select individuals of the greatest experience? For how is that complex appearance of rocks in different parts of the same country, which, though altogether different in their external characters, may be true equivalents of each other, to be reconciled by men who have only studied them in books? or how can men claim to have their opinions confided in respecting the tendency, direction, and quality of metalliferous veins, or the probable existence of coal measures, upon which the outlay of great capitals depends, who have never been down in a mine, and have studied minerals only from cabinet specimens? In geology no learning can supply the place of experience. A geologist may be an indifferent analyst, but certainly no man should be presumed a geologist merely because he is a learned chemist or a profound mathematician. Such an important trust, therefore, as is comprehended in the geological survey of a State, should be confided only to men of long-approved experience.

I have thought these observations not out of place, because, in the incipient encouragement now given to geology by some of the State Governments, and which will probably be done by all of them, it is important that the few individuals in the country who have the requisite experience, should not be overlooked in favor of others, who are perhaps not aware themselves of the extent of practical experience required to make any man's labors valuable, and worthy of being transferred to geological maps of the countries they survey. It must be evident that a geological map of any country, upon which all the important mineral and metallic deposites should be accurately laid down, with their direction, extent, and other important incidents belonging to them, would be of great value. How much, then, does it concern the interests of the United States, that rational estimater of the national resources, with all those infallible indications which should precede internal improvements, and whatever else appertains to a monument of such singular importance to them as a general geological map would be, should be done with the utmost accuracy? It seems called for both by the best interests and the reputation of the country.

Before I close this descriptive portion of my report, I shall ask to present a few remarks on the Arkansas and Red rivers, which I trust will be found somewhat interesting. Both these streams are remarkable for their tortuous and serpentine course, and for the important deflections from their courses, which can be sometimes traced. The history of Red river illustrates well movements of this latter class. From the point where it turns to the east, a little north of 31° north latitude, it appears to have once flowed in a south direction down the line of the Atchafalaya, into the bay bearing that name, in the Gulf of Mexico. There is a chain of lagoons on that line still rafted up with timber, and no doubt, when a head was formed capable of resisting the current, it gave the river its present easterly direction into the Mississippi. In those remote periods when the False Washita and the other tributaries of Red River were working out its channel, the deposites of timber must have been immense, not only filling its channel to the Gulf of Mexico, as I have supposed, but rafting up its present channel as low down as its present mouth in the Mississippi. The remains of those ancient rafts are still to be seen near its mouth, adhering to its banks, the main body having rotted away, and passed down with the current, to the point where the operations commenced of clearing out the present raft. But even now, such is the abrasion produced by the river, that the annual accumulation of timber at the head of the great raft is very great, and the consequent inundations from back water very injurious. When the great work of cutting the raft out is accomplished, an immense quantity of rich lands will be brought to their true value, and the salubrity of the country much improved.*

These chains of lagoons are found both on the north and south sides of Red river, and are amongst the immediate causes of the insalubrity of the climate during certain months. The past summer was intensely hot and dry, and one of these large lagoons, near Lost Prairie, on the Mexican side of Red river, a beautiful tract of land over which I passed, had experienced so much evaporation that it could not preserve its fish; the water became glairy, and incapable of sustaining them, and they were floating dead on the surface.

The course of the Arkansas is, in like manner, subject to constant change, as a small circumstance will lead to the deflection of this noble, but too uncertain stream. The lodgment of a tree will be the commencement of a bar that will throw the current to the other side, which, beating against a low and weak part of the opposite alluvial bank,

* Mr. William Smith, who has received the first Woolaston gold medal from the Geological Society of London, was a mineral surveyor, and the author of the *first* geological map of England.

* When Captain Shreve, so much distinguished for his skill and diligence in removing this raft, came upon the ground in the spring of 1833, he found it dead water in Red river for forty miles below the timbers which formed the raft, and which then extended up the river for at least one hundred and fifty miles. About one third of the surface of the river was occupied with dead timbers, and numerous mud islands had been formed, on which trees and bushes were growing. There were a great many bayous and low places, by which the water of the river was led to various lagoons and swamps, once the ancient bed of the river; these he stopped up with timber taken from the raft, and, confining the stream to its old channel, produced a current of three miles an hour. The general depth of the river was twenty five feet, but in other parts where mud banks existed, the depth was only fifteen. As soon as the raft was sufficiently cut out to restore a good current, these were swept away, and an average depth of twenty-five feet produced. During the first season he succeeded in removing about seventy miles, and there is every reason to believe that in the course of 1835 Captain Shreve will have opened a good steamboat navigation the entire length of the raft.

will, in a short time, if the bank happens to form a reach there, wear its way through, leaving an island and a chain of lagoons in its old bed. In the vicinity of the Mammelle mountain is an immense swamp, through part of which I passed, and which contains, perhaps, thirty thousand acres. The timber on each side, being much killed by the water, stands dead in innumerable lofty bare masts, forming a picture of perfect desolation. The cypress,* the cotton-wood poplar,† and the *populus monilifera*, the hackberry,‡ the triple-thorned acacia,§ and many other trees, attain an immense size here. The lagoons in this swamp extend for several miles where the old bed of the river was; wild geese, ducks, and other aquatic birds, are here in incredible numbers, as well as swans occasionally. Nothing can be more singular than the aspect of the trees in this wild place. Their trunks appeared to be painted red for about fifteen feet from the ground; at that height a perfectly level red line extended through the whole forest, marking the rise of the waters at the last great inundation, which occurred in June, 1833, when the Arkansas rose thirty feet. Millions of acres of rich bottom land of these countries are thus rendered useless, and can never be brought to their intrinsic value but by levées, constructed at particular points, to keep out the waters from the direct course of the river, and the back waters of the bayous that empty into the river. Until measures of this kind are taken, these districts will be a nuisance to the settlers, both in respect of their insalubrity, and their being the resort of the numerous gangs of wolves which infest the country. I spent one night in the swamp alluded to, that of the 22d November last. The thermometer had fallen to 24° Fahrenheit, and strong ice was making. The noise made by the incessant howling and yelling of these animals exceeded any thing I had ever heard, some barking in one tone, some screaming in another, as if each was suffering bodily pain. This uproar is generally loudest just before the approach of day, and appears intended as a signal for stragglers to come into the wilderness, where they usually crouch during the day.

From this point of the river down to its mouth, a distance of about three hundred miles, a fine opportunity presents itself of studying not only the structure of this vast body of rich alluvial land, but of the action of the river, and I passed a week in following it to its junction with the Mississippi, landing, and examining the country at many interesting points. The whole line presents a succession of reaches, sand bars, and mutations, produced in the manner I have before mentioned, and the serpentine course thus established doubles the distance. Its general course to the Mississippi is southeast, but it is constantly, every five or six miles, describing curves, and following the direction of southwest and northeast. The channel is thus alternately on the right and left bank of the river. Sometimes an extensive sandy beach will project itself from the opposite shore, and just so far into the channel as to render it very difficult to get over‖ with a boat drawing three feet. These beaches sometimes cover more than fifty acres of land, and are thrown up by the stream as it abrades the banks at the foot of which it runs. The banks being thus constantly undermined by the action of the river, immense masses of timber, together with the lofty canes, twenty to twenty-five feet high, that grow up with it, fall into the river with the earth about their roots, and thus at the same time form the snags and sawyers which embarrass the stream, and a point of resistance which gives a new direction to it. Sometimes, during the great freshets which descend from the upper country, the river not only breaks through the reaches of land which jut out into the river, but absolutely gets under the extensive sand beaches, and, lifting them up above the general level of the country, deposites them upon it. In this way, I have observed considerable portions of rich plantations, distant several hundred yards from the edge of the river, buried several feet deep beneath a barren sand. At other times, the freshets plough the whole of the vegetation up from the ground for thirty or forty acres, and deposite it in a mass, with all its timber, upon some beach lower down.* This is the general character of the Arkansas as I have observed it for several hundred miles, and I have been told by those who have visited it nearer to its sources, that it has, in some places, abraded the whole surface of the country for several miles in width.

These abrasions are more interesting to the geologist than to the planter, for the fresh fracture enables him to trace for great distances the party-colored deposites, alternating with each other, some white, some red, some gray, and often intermixed. Some parts of the banks are from one hundred to one hundred and thirty feet high, and assume an important appearance in a country where much of the surrounding land is at a low dead level. About fifty miles from Little Rock the Red Pine bluffs occur, which the river is fast wearing down. Twenty miles lower down are similar bluffs of a lighter color, called the White bluffs, and about thirty miles lower down are the Pine bluffs, which are higher than the others. At the Red Pine bluffs there is a bed of limestone, seen at low water, formed of broken down oyster shells, like those in the Saline river. This is the only calcareous deposite within my knowledge in the banks of the Arkansas east of Little Rock, except one I afterwards saw in the high banks at the post of Arkansas. They all present a fine study of fluviatile deposites, not only in the party-colored seams of the old banks, but where they are at present forming on the surface of the country.

This immense river has its sources six or seven hundred miles apart. Its southernmost branch, the south fork of the Canadian, receives streams which rise near the thirty-fourth degree of north latitude; its most northerly source is from the Rocky Mountains, between 39° and 40°; and its most eastern sources, including the heads of the Verdigris, Neosho, and Illinois, rise about 38° north latitude, at least six hundred miles from the central and principal sources in the Rocky Mountains. The southernmost sources flow through an ancient deposite of red argillaceous matter for several hundred miles, and it is this which colors the Canadian and its branches. The western and northern sources bring down mineral matter of different colors, but to the east the sources take their rise in a high siliceous country, and their mineral deposites are indicative of their origin. The branches of the Arkansas, included in this area, are numerous; the Illinois, the Neosho, the Verdigris, the Canadian and its two principal tributaries, are all fine rivers, and would belong to the class of most important European streams. They are of unequal length, and, being separated by great geographical distances, are subject to increase their volume at distinct periods; and this volume, on account of their unequal length, being emptied at distinct times into the main channel of the Arkansas, the deposites which this last leaves, in its irregular progress to the Mississippi, are characteristic of the mineral substances which its tributaries and their branches pass through. The Canadian, which passes through a red-earth, has always dull red waters, like those of Red river, arising still further south. We are, hence, enabled to assign the red deposites to the materials transported by that stream, whilst the

* Cupressa disticha. † Populus angulata.
‡ Celtis integrifolia. § Acacia triacanthos.
‖ Some conception may be formed of the difficulties which first settlers have to contend with in these frontier settlements, by stating that a very respectable inhabitant, who resides about fifty miles west of Little Rock, absolutely rode on horseback, with his bride, to visit some friends, up the bed of the Arkansas river two hundred miles, fording the river from sand bar to sand bar.

* There is a fine instance of this at Mons. Barraques, about one hundred and forty miles from Little Rock.

whiter and siliceous deposites may be attributed to the northern and eastern tributaries, whose waters, including those of the Poteau, that comes in further east, are all more clear. Those who have had opportunities of observing the eccentric movements of floods of this class, soon learn to distinguish what circumstances, whether arising from partial eddies, owing to the change of level produced in periods of inundation, or from ordinary mechanical causes, have produced both the regularity and irregularity of deposites; and how it is that blotches of mineral matter, both large and small, are found enclosed in deposites of a homogeneous character, differing from them, just as the whiter matter of the eastern branches of the Arkansas, brought down by the Illinois, is found enclosed in the extensive beds deposited from the waters of the Canadian. It is in the study of phenomena of this character, where fluviatile deposites are effected upon so immense a scale, that perhaps an explanation of many different pretensions of mineral matter, observed in older indurated rocks, may be suggested.

I observed many superficial deposites which had been made, perhaps within ten years, by the annual inundations: layers of white clay, sometimes of white sand, with occasional intermixtures of both superimposed upon each other, and at times large blotches of whitish clay, were enclosed in a regular deposite of red. One day I followed, for a considerable distance, an old dry bed which the river had abandoned for a new passage at the foot of the right bank, isolating a high ridge between the old and new beds, where the young wood was beginning to grow very thickly, on a surface from whence all the timber had evidently been swept when the new passage was made. The inundation of June, 1833, had deposited about an inch of dull red argillaceous matter over a great part of this dry bed, which extended many miles into the country, and presented the appearance of a reddish sandy valley, about three hundred yards broad, containing many accumulations of sand and dead trees, the old sand bars and snags. Every thing bore a very desolated aspect; it was a huge chasm to appearance, furrowed out through a flat country by the temporary passage of a great river, which had not left a drop of water behind it. I saw no symptoms of animal existence, except the track of a solitary deer, and a few turkey buzzards wheeling about in the air, and scanning the surface in their characteristic manner, in search of carrion. Upon the edges of some of these ancient banks of the river are several Indian mounds, with trees sometimes growing on them, some of them about five hundred years old: great quantities of Indian arrow heads are strewed around, made of the siliceous mineral of the Washita hills, and some have been found buried several feet beneath the surface; facts which show that this alluvial country, which was possessed by a few bands of the Quapaws when the whites first began to occupy it, has been inhabited by the aborigines at a very distant period.

It will perhaps not be found impossible hereafter to assign approximately some limit to that period, when the settlement of the country shall bring other data forward, which connect themselves with the geology of the country. It is true, the deposites made by the annual inundations are naturally too irregular and variable to afford systematic data for the computation of a period for the origin of these fluviatile beds; but whenever a careful inquiry of this kind is made, it will be found important to note them very accurately. It would not be a difficult undertaking to calculate the approximative amount of sedimentary matter brought down annually by the Arkansas, or any of the turbid tributaries of the Mississippi. The main rise of the Arkansas and Missouri, caused by the melting of the snows of the Rocky Mountains, usually takes place in June; and these rivers are irregularly swollen during the winter and spring months by rain: at these times they bear along the greatest quantity of solid matter towards the mouth of the Mississippi, consigning it to the ocean, which meets the deposites and distributes it into levels, to be probably laid dry at some future day, as the alluvial plains I have been speaking of have already been. The lowest state of the Arkansas occurs during the months of July to November, inclusive. During a portion of this time, it is often not navigable from the Mississippi to Little Rock. At this stage of the water, the current is sluggish, the water quasi-stagnant, and the solid matter held in suspension very trifling, although always sufficient to tinge the water. A set of experiments might be conducted, showing the mean quantity of sedimentary matter brought annually down during the rises of the river, and during the low-water periods. Furnished with the cubic quantity of solid matter thus obtained, and applying it as a divisor to the whole quantity of fluviatile deposite contained in the entire alluvial area, we might approximately assign a chronological period for the origin of these rivers, the commencement of these deposites, and the withdrawal of the ocean from these countries. The period of their fitness to receive the human race might thus be found to accord with particular indications of the existence of the aboriginal race.*

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* I would respectfully suggest to the officers in garrison at the frontier posts on the rivers I have named, especially those at Fort Towson, on Red river, Fort Gibson, near the Arkansas, Fort Leavenworth, on the Missouri, Fort Snelling, Jefferson Barracks, and Baton Rouge, on the Mississippi, to institute experiments with this view. It would be important to have them conducted in various places, near the sources of the great rivers, immediately below the mouths of their respective tributaries, and at points near to where the great rivers disembogue. We should thus in time possess statements of the accumulating solid contents held by these streams in their progress to the ocean, and be able to give them a very extensive application. Since my return, and as this report was going to the press, I have seen, for the first time, an interesting paper by Leonard Horner, Esq., a distinguished member of the Geological Society of London, "on the amount of solid matter suspended in the water of the Rhine," which, in the hope it may encourage gentlemen in the army to undertake the experiment I have recommended, I shall append to this note.

"The attention of geologists has been more particularly directed of late to the importance of ascertaining the quantity of solid matter held in suspension in the water of different rivers, as affording a measure of the amount of abraded stone transported to the sea, there to constitute the materials of new strata, now in progress of formation.

"During a late residence at Bonn, I began a series of experiments on the quantity of solid matter suspended in the water of the Rhine, in that part of its course. Several interruptions prevented me from advancing beyond the first steps of my proposed inquiry; but having no immediate prospect of being able to resume it, I venture to offer even this small contribution to science, as the facts I ascertained may not be considered without value.

"I made two sets of observations, the one in the month of August, and the other in November. The apparatus I used was very simple, but answered the purpose perfectly; as it may be constructed in a very short time, and almost in any situation, the facility of making the observations ought to increase the chance of others of the same sort being made elsewhere. It consisted of a stone bottle, capable of containing about a gallon, and furnished with a cork covered with leather, and greased; a weight of about ten pounds was attached to the bottom of the bottle by a rope of such a length that, when the weight touched the ground, the mouth of the bottle might be at the desired distance from the bottom of the river. A rope was attached to the ear or handle of the bottle, by which it was let down, and a string was fastened to the cork. As soon as the bottle had reached its destined position, the cork was withdrawn by means of the string, the bottle became filled with the water at that particular depth, and was then instantly drawn up. The water, as soon as drawn up, was emptied into glass jars, on which I had previously marked a certain measure. The quantity of water on which I intended to operate was a cubic foot, or 1,000 ounces, and I collected it at different times; for instance, after one-third of a cubic foot had stood in the jars for some days, I drew off the clear water with a syphon, and another third of water, fresh taken from the river, was added to the sediment left at the bottom of the jars from the first; that was allowed to stand, the clear water was again drawn off, and the last third was added in the same way. When this had stood a sufficient length of time, the accumulated sediment was removed to an evaporating dish, (a common saucer will do quite as well,) and carefully dried in a gentle heat. The dried mass was the amount of solid matter held in suspension in a cubic foot of water, and now in the state of indurated mud.

"*First set of observations.*—The water was taken at the distance of one hundred and sixty-five feet from the left bank, and at a depth of six feet from the bottom of the river, the total depth of the river at that place being thirteen feet. It was in the month of August, and the Rhine was unusually low. The water in the river had a yellowish tinge, and was turbid; taken up in a glass, it was like the New river water, in London, after rain. The residuum, when dried in the manner above mentioned, weighed 21.10 grains. It was of a pale yellowish brown color, smooth to the feel, not gritty; and it effervesced

Amongst the most interesting results of my late tour, I must enumerate, first:

The establishment of the fact, from personal observation, of there being, in the State of Missouri and the Territory of Arkansas, an amount of the ores of lead and iron, of an excellent quality, not only more than adequate to any estimate of the domestic consumption of this nation, but such as may justify the expectation that it will form an important element hereafter of commercial exportation from that part of the world. When it is considered that the sulphuret of lead forms, as described in this report, such an important portion of the solid rock at one point, and that it exists, in an equally profuse manner, perhaps, through various points for a distance of five or six hundred miles,* this language will not be deemed extravagant.

But looking forward to the future prospects of these regions in the mining branches of industry, who, that has had but a glimpse of those fertile alluvial territories to the south, penetrated by so many thousands of miles of river navigation, where fifty millions—and a much greater number might be asserted—of North Americans have yet to establish themselves; where the amount produced of sugar and cotton, which excites the admiration of our own day, will be referred to as the germ of production hereafter; where, when populous cities, increased shipping, and well protected plantations, shall have placed these imperfectly known regions in the same class with the most powerful portions of the earth; who can doubt but that a part of the immense wealth thus accumulated will be invested in working the inexhaustible mines which lay, as it were, at the very door of New Orleans, a city evidently destined to rank hereafter amongst the first in the world? If one nation can ever permanently undersell the others in those metals, it must be one possessing mines from whence they can be extracted with equal facility as from those in question, and exported with so little charge.

I consider it also as a result of great importance, that the extensive investigations which I have so recently made, have gone, without exception, to strengthen the opinion I submitted to the Geological Society of London, in 1828, as to the series of rocks in the United States being the natural equivalent of that observed in Europe, from whence we may infer that the causes which operated to bring the rocks there into the particular order of superposition they preserve, have operated here, and probably have acted upon the whole crust of the earth. It is true we have not yet found that remarkable portion called the oolitic formation, lying above the coal measures, but this is only a part of the series; and in every country where geology has hitherto been practically studied, some part or other of the series is wanting. At many points of our Atlantic coast, including the city of Washington, there is no rock intervening between the superficial detritus and the gneiss, which is the lowest rock but one of the whole series. Localities, with imperfect arrangements of this nature, are like a harp, where, though some of the party-colored chords may be wanting, yet the rest are there, and preserve their unchangeable superposition to each other. This correspondence of structure will result in making the principles of the science of geology, like those of geometry, applicable everywhere.

It is a remarkable circumstance, as I had occasion to announce in 1828, that, with the exception of the tertiary and subcretaceous beds of the coast, nothing more recent than the coal-bearing series had been found in the United States. A fact so unusual in a continent of such great extent as North America, can hardly be attributed to denuding causes, and would rather lead us to the inference that this part of the globe has in fact emerged from the ocean before the continent of Europe did, and that, geologically speaking, in reference to the history of the earth, this has very strong claims to be called the *old world*. If no denuding causes adequate to the phenomenon have been in action, we must either adopt that opinion, or suppose that, whilst other parts of the subaqueous world were receiving sedimentary deposites, the waters of the ocean, which covered the vast area, devoid of the entire oolitic system, were situated so as not to receive any sedimentary materials. The opinions I communicated in 1828 have been confirmed by my late tour, and strengthen the conclusion to which my judgment has been for some time coming, that this continent is much older than the European continent.

It has not, however, been found easy to suggest for the duration of geological events, periods of which our own chronological methods shall be the measure. In the other hemisphere it has been found that species have not changed materially during the present order of things, which, as far as we can judge, comprehends the existence of man, and does not include that portion of time when any of the tertiary beds became dry land. There is scarcely any reason to suppose that the remains of man have been found

briskly, but was not wholly dissolved, when diluted muriatic acid was poured upon it. In appearance and properties it was undistinguishable from the loess [a yellowish gray loam] of the Rhine valley.

"A cubic foot of distilled water weighs 437,500 grains; therefore, the solid matter amounted to the one twenty thousand seven hundred and thirty-fourth part of the cubic foot of water.

"*Second set of observations.*—The water was taken up in the middle of the river, and from about a foot below the surface. It was the month of November, and a great deal of rain had fallen some time before and during the observations. The Rhine was of a deep yellow, and more turbid than in August; but when taken up in a glass, it was not very different in appearance from what it had been then. The cubic foot of water, in place of being collected on three different occasions, was taken up on seven different days, with intervals of three days between each.

"The residuum, when dried in the same manner, weighed thirty-five grains, which is the one twelve thousand five hundredth part of matter in one cubic foot of the water.

"It was my intention to have repeated these observations at different seasons of the year, to have made a profile of the bed of the river from shore to shore at Bonn, and to have ascertained the velocity at different parts of the stream, so as to get a mean velocity; the depth of the river I had an opportunity of seeing, for there is a gauge at the port; but I was obliged to leave Bonn suddenly, and could not accomplish my designs.

"The above experiments show that the quantity of solid matter suspended in water, which, in the mass, has a turbid appearance, may be very trifling. But the extent of the waste of the land, and of the solid materials carried to the sea, which even such minute quantities indicate, is far greater than we might be led to imagine possible from such fractions. It is only when we take into account the great volume of water constantly rolling along, and the prodigious multiplying power of time, that we are able to discover the magnitude of the operations of this silent but unceasing agency. In the absence of more accurate data for my calculations, for the sake of showing how large an extent of waste is indicated by water holding no more solid matter in suspension than is sufficient to disturb its transparency, I shall assume that the Rhine at Bonn has a mean annual breadth of twelve hundred feet, a mean depth throughout the year of fifteen feet, and that the mean velocity of all parts of the stream is two miles and a half per hour. These assumptions are probably not far distant from the truth. I shall take the average amount of solid matter in suspension to be twenty-eight grains in every cubic foot of the water.

"If we suppose a mass of water of a foot in thickness, 15 feet in depth, and 1,200 feet in length, we shall have a column across the river containing 18,000 cubic feet; and 18,000 multiplied by 28 gives 504,000 grains of solid matter in that column.

"A cubic foot of distilled water weighs 437,500 grains; and, if we take the solid matter as having a specific gravity of 2.50, a cubic foot of it would weigh 1,093,750 grains.

"If the river run with a mean velocity of two miles and a half in the hour, 13,200 such columns would pass a line stretched across the river every hour, and 316,800 such columns every twenty-four hours; (1,760 yards in a mile equal to 5,280 feet multiplied by 2½ equal to 13,200, and 13,200 multiplied by 24 equal to 316,800.)

"If 316,800 columns be multiplied by 504,000 grains, and the product, 159,667,200,000, be divided by 1,093,750, (the number of grains in a cubic foot of the solid matter,) we have 145,980 cubic feet of stone carried down by the Rhine past the imaginary line every twenty-four hours—a mass greater in bulk than a solid tower of masonry sixty feet square, and forty feet in height. If we multiply 145,980 by 365, we have 1,973,433 cubic yards carried down in the year; and if this process has been going on at the same rate for the last two thousand years—and there is no evidence that the river has undergone any material change during that period—then the Rhine must, in that time, have carried down materials sufficient to form a stratum of stone of a yard thick, extending over an area more than thirty-six miles square. How much further back we may legitimately carry our calculations, I leave it to those to fix who consider that there are any data to enable us even to guess at what epoch the Rhine was different from what it now is, either in respect of the vulume or the velocity of the stream, in that part of its course at least to which the present paper refers."

*North to the Ouisconsin country.

in transatlantic countries out of the present order of things, and none whatever in this hemisphere. For the production of our deltas, it must be evident that the full measure of our chronologies would be wanting. If, therefore, during so long a period as they comprehend, no material changes have been produced in species, we cannot but infer immense durations of time necessary to effect so great a progression in organic existence, as is observed in the difference between recent and extinct shells, animals, and plants of the tertiary formations. What then must be the relative antiquity of this continent, if so great a portion of it became dry land before the deposition of the oolitic system in Europe, itself comprehending phenomena that seem to set at defiance every hope to compute a rational duration of time for their separate production?

It will be felt, also, as an interesting step in the progress of geological knowledge, that we shall be enabled hereafter to trace with accuracy the littoral line so clearly made out by the subcretaceous fossils of the same genera which have now been continuously found for near two thousand geographical miles. It is evident that the ocean retired cotemporaneously from this line, either from the deepening of its bed, produced by distant causes, or from the elevation of the land; and this is the geological period which may be fixed for the commencement of those great deltas of rich alluvial matter brought down by the rivers alluded to in this report, and which are hereafter to form so important a portion of the civilized earth.

It remains for me only to state that I have made ample collections of minerals and geological specimens of the countries I have visited, all of which, when they reach this city, will be placed at the disposition of the Government.

The section which accompanies this report—and which the state of the arts in this country well admitted of being executed in a much more creditable manner—presents the geological formations which occur from the New Jersey coast, on the Atlantic ocean, to Red river, on the Mexican confines, along an inflected line of about one thousand six hundred miles, which I have personally examined. The course to Nashville is south of west; thence, to Louisville, east of north; thence, to St. Louis, nearly west; and the remainder of the section is on a course west of south. The inclined lines were intended to represent the transition beds, and the horizontal ones, which come in at the Cumberland mountain, to represent the horizontality of the carboniferous limestone. The short lines, about one-fourth of an inch, represent the localities where bituminous coal was seen. It would not have been practicable to introduce a regular scale of elevations, even had I possessed the materials for one. I mention here, however, a few localities by way of approximation. The Alleghany ridge, through which the Potomac cuts west of Cumberland, rises between Frankstown and Johnstown, Pennsylvania, to the height of two thousand two hundred feet above tide water level. The same ridge, west of Cumberland, in Maryland, is two thousand seven hundred and fifty-four feet in height. Between Covington and the Great Falls of the Kanawha river the ridge measures one thousand nine hundred and ten feet. These are, however, depressed points selected by engineers for canal communications. Many of the summits exceed three thousand feet, and the general elevation of the ridges in the Arkansas Territory over which I passed appeared to me somewhat, though not much, inferior in height to those of the Alleghany ridges.

Very respectfully,

G. W. FEATHERSTONHAUGH,
*U. S. Geologist.*

[The map accompanying the report is necessarily omitted.]

# LAWS OF THE UNITED STATES,

PASSED AT THE FIRST SESSION OF THE TWENTY-FIFTH CONGRESS, WHICH WAS BEGUN AND HELD AT THE CITY OF WASHINGTON, IN THE DISTRICT OF COLUMBIA, ON MONDAY, THE FOURTH DAY OF SEPTEMBER, ONE THOUSAND EIGHT HUNDRED AND THIRTY- SEVEN.

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An act to postpone the fourth instalment of deposite with the States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the transfer of the fourth instalment of deposite directed to be made with the States, under the thirteenth section of the act of June twenty-third, eighteen hundred and thirty-six, be, and the same is hereby, postponed till the first of January, one thousand, eight hundred and thirty-nine: *Provided*, That the three first instalments under the said act shall remain on deposite with the States until otherwise directed by Congress.

JAMES K. POLK,
*Speaker of the House of Representatives.*
R. M. JOHNSON,
*President of the Senate.*

Approved, October 2, 1837.

M. VAN BUREN.

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An act to regulate the fees of the district attorneys in certain cases.

*Be it enacted*, &c., That, in all cases of extension of the time of payment of bonds given for duties on imports, it shall be according to such directions as may be given by the Secretary of the Treasury; and the extension of payment of the old bond, or the taking of a new bond, shall be by the respective collectors, subject to no other charge than such as may be legally receivable on the taking of an original bond, upon the entry of merchandise.

Sec. 2. *And be it further enacted*, That no fee shall accrue to any district attorney on any bond left with him for collection, or in a suit commenced on any bond for the renewal of which provision is made by law, unless the party or parties shall neglect to apply for such renewal for more than twenty days after the maturity of such bond.

Approved, October 12, 1837.

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An act authorizing the issue of Treasury notes.

*Be it enacted*, &c., That the President of the United States is hereby authorized to cause Treasury notes for such sum or sums as the exigencies of the Government may require, but not exceeding, in the whole amount of notes issued, the sum of ten millions of dollars, and of denominations not less than fifty dollars for any one note, to be prepared, signed, and issued, in the manner hereinafter provided.

Sec. 2. *And be it further enacted*, That the said Treasury notes, authorized to be issued by the first section of this act, shall be reimbursed and redeemed by the United States at the Treasury thereof, after the expiration of one year from the dates of the said notes respectively; from which said dates for the term of one year, and no longer, they shall bear such interest as shall be expressed upon the face of the said notes; which rate of interest, upon each several issue of the said notes, shall be fixed by the Secretary of the Treasury, by and with the advice and approbation of the President; but shall in no case exceed the rate of interest of six per centum per annum. The reimbursement herein provided for shall be made at the Treasury of the United States to the holders of the said notes respectively, upon presentment, and shall include the principal of each note, and the interest which may be due thereon at the time of payment. For this reimbursement at the time and times herein specified, the faith of the United States is hereby solemnly pledged.

Sec. 3. *And be it further enacted*, That the said Treasury notes shall be prepared under the direction of the Secretary of the Treasury, and shall be signed, on behalf of the United States, by the Treasurer thereof, and countersigned by the Register of the Treasury; and that those officers respectively shall, as checks upon each other, and to secure the public safety, keep separate, full, and accurate accounts of the number, date, denomination, and amount of all the notes signed, and countersigned by them respectively; which said account shall be carefully preserved and placed on file in the Treasury Department; and, also, similar accounts, kept and preserved in the same manner, of all the said notes redeemed, as the same shall be returned and cancelled; and the Treasurer shall further account quarterly for all such notes delivered to him for signature or issue by the Register. The Treasurer and Register of the Treasury are hereby authorized, by and with the consent and approbation of the Secretary of the Treasury, to employ such additional temporary clerks as the duties enjoined upon them by this section may render necessary: *Provided* said number shall not exceed four, and with a salary not more than at the rate of twelve hundred dollars to each per annum.

Sec. 4. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized, with the approbation of the President of the United States, to cause to be issued such portion of the said Treasury notes as the President may think expedient, in payment of debts due by the United States to such public creditors or other persons as may choose to receive such notes in payment, as aforesaid, at par. And the Secretary of the Treasury is further authorized, with the approbation of the President of the United States, to borrow, from time to time, not under par, such sums as the President may think expedient, on the credit of such notes.

Sec. 5. *And be it further enacted*, That the said Treasury notes shall be transferable by delivery and assignment endorsed thereon, by the person to whose order the same shall, on the face thereof, have been made payable.

Sec. 6. *And be it further enacted*, That the said Treasury notes shall be received in payment of all duties and taxes laid by the authority of the United States, of all public lands sold by the said authority, and of all debts to the United States, of any character whatsoever, which may be due and payable at the time when said Treasury notes may be offered in payment. And, on every such payment, credit shall be given for the amount of the principal and interest which, on the day of such payment, may be due on the note or notes thus given in payment.

Sec. 7. *And be it further enacted*, That any person making payment to the United States in such Treasury notes, into the hands of any collector, receiver of public moneys, or other public officer or agent, shall, on books kept according to such forms as shall be prescribed by the Secretary of the Treasury, give duplicate certificates of the number and respective amount of principal and interest of

each and every Treasury note thus paid by such person; and every collector, receiver of public moneys, or other public officer or agent, who shall thus receive any of the said Treasury notes in payment, shall, on payment of the same, receive credit both for principal and interest, computed as aforesaid, which on the day of such last mentioned payment shall appear due on the note or notes thus paid in, and he shall be charged for the interest accrued on such note or notes from the day on which the same shall have been received by him in payment as aforesaid, to the day on which the same shall be paid by him as aforesaid.

Sec. 8. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be reimbursed and paid the principal and interest of the Treasury notes which may be issued by virtue of this act, at the several time and times when the same, according to the provisions of this act, should be thus reimbursed and paid. And the said Secretary is further authorized to make purchases of the said notes, at par, for the amount of principal and interest due at the time of purchase on such notes. And so much of any unappropriated money in the Treasury as may be necessary for that purpose, is hereby appropriated, for paying the principal and interest of said notes.

Sec. 9. *And be it further enacted*, That a sum not exceeding twenty thousand dollars, to be paid out of any unappropriated money in the Treasury, be, and the same is hereby, appropriated, for defraying the expense of preparing, printing, engraving, signing, and otherwise incident to the issuing of the Treasury notes authorized by this act.

Sec. 10. *And be it further enacted*, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting, any note, in imitation of, or purporting to be, a Treasury note aforesaid; or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering, any Treasury note issued as aforesaid; or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any false, forged, or counterfeited note, purporting to be a Treasury note as aforesaid, knowing the same to be falsely forged or counterfeited, or shall pass, utter, or publish, as true, any falsely altered Treasury note, issued as aforesaid, knowing the same to be falsely altered, every such person shall be deemed and adjudged guilty of felony, and, being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept to hard labor for a period not less than three years, nor more than ten years, and be fined in a sum not exceeding five thousand dollars.

Sec. 11. *And be it further enacted*, That if any person shall make or engrave, or cause or procure to be made or engraved, or shall have in his custody or possession any metallic plate, engraved after the similitude of any plate from which any notes issued as aforesaid shall have been printed, with intent to use such plate, or to cause or suffer the same to be used in forging or counterfeiting any of the notes issued as aforesaid; or shall have in his custody or possession any blank note or notes engraved and printed after the similitude of any notes issued as aforesaid, with intent to use such blanks, or cause or suffer the same to be used in forging or counterfeiting any of the notes issued as aforesaid; or shall have in his custody or possession any paper adapted to the making of notes, and similar to the paper upon which any such notes shall have been issued, with intent to use such paper, or cause or suffer the same to be used in forging or counterfeiting any of the notes issued as aforesaid: every such person, being thereof convicted by due course of law, shall be sentenced to be imprisoned, and kept to hard labor for a term not less than three, nor more than ten years, and fined in a sum not exceeding five thousand dollars.

Sec. 12. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to make and issue, from time to time, such instructions, rules, and regulations to the several collectors, receivers of public moneys, depositaries, and all others who may be authorized to receive the said Treasury notes on behalf of and as agents in any capacity for the United States, as to the safe-keeping, disposition, return, and cancelling of the said notes so paid to and received by them respectively, and as to their accounts and returns to the Department of all such receipts, as may seem to him best calculated to promote the public interests and convenience, and secure the United States and the holders of the said notes against frauds and losses: *Provided*, That nothing herein contained shall be so construed as to authorize the Secretary of the Treasury to reissue any of said notes, but upon the return of said notes, or any of them, to the Treasury, the same shall be cancelled.

Sec. 13. *And be it further enacted*, That it shall be, and hereby is, made the duty of the Secretary of the Treasury to cause a statement to be published monthly, of the amount of all Treasury notes issued or redeemed in pursuance of the provisions of this act; and that the power to issue Treasury notes, conferred on the President of the United States by this act, shall cease and determine on the thirty-first day of December, eighteen hundred and thirty-eight.

Approved, October 12, 1837.

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An Act to continue in force certain laws to the close of the next session of Congress.

*Be it enacted, &c.*, That all acts and parts of acts, or provisions contained within any act, which, by the terms thereof, are made to expire at the termination of the first session of the twenty-fifth Congress, be, and the same are hereby, declared to continue in force to the end of that session of Congress which shall commence, or shall be in session, on the first Monday of December, eighteen hundred and thirty-seven.

Approved, October 12, 1837.

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An Act to amend an act entitled "An act to provide for the payment of horses lost or destroyed in the military service of the United States," approved January 18, 1837.

*Be it enacted, &c.*, That any person who has turned over to the service of the United States his horse, saddle, bridle, or equipments, by the order of the commanding general, or other commanding officer, shall be paid the value thereof; that the claims provided for under this act shall be adjusted by the Third Auditor, under such rules as shall be prescribed by the Secretary of War, with the assent of the President. This act, and the act to which this is an amendment, shall extend to mules as well as to horses. Decisions under this act shall be recorded as they are required to be recorded by the act aforesaid, and payment shall be made as is required by that act. This act shall extend to cases where any person mentioned in the act to which this is an amendment shall have died in the service, and his horse, saddle, bridle, or equipments, shall have been turned over to an officer, or other person for the benefit of the United States, by order of the proper officer commanding, and not restored to the representative of the deceased, or paid for by the United States.

Approved, October 14, 1837.

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An Act making further appropriations for the year eighteen hundred and thirty-seven.

*Be it enacted, &c.*, That the following sums be, and the same are hereby, appropriated to be paid out of any unappropriated money in the Treasury, viz.

For pay and mileage of the members of Congress and delegates, two hundred and forty-eight thousand five hundred dollars.

For stationary, fuel, printing, and all other contingent expenses of the Senate, thirty thousand dollars.

For stationary, fuel, printing, and all other contingent expenses of the House of Representatives, fifty thousand dollars.

For the contingent expenses of the navy, as enumerated in the act of the third of March last, in addition to the amount appropriated by that act, one hundred and twenty thousand dollars.

For the relief and protection of American seamen in foreign countries, ten thousand dollars.

For defraying the expenses attending the prosecution of the claim of the United States to the legacy bequeathed by the late James Smithson, of London, five thousand dollars.

For the contingent expenses in the office of the Treasurer, five hundred dollars.

For preparing, printing, and binding documents ordered by the resolutions of the Senate of the second July, eighteen hundred and thirty-six, twenty-fifth of February, eighteen hundred and thirty-seven, and the second of March, eighteen hundred and thirty-seven, to be disbursed under the direction of the committee to audit and control the contingent expenses of the Senate, twenty-five thousand dollars.

Sec. 2. *And be it further enacted*, That if the revenue from duties, or from the sales of public lands, remaining in the hands of the receiving and collecting officers, be not sufficient at any time to pay debentures and other charges which are by existing laws made payable out of the accruing revenue before it is transferred to the credit of the Treasurer, the Secretary of the Treasury is hereby authorized to pay the said debentures and other charges out of any money in the Treasury not otherwise appropriated.

Sec. 3. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to arrange and settle any of the outstanding transfer drafts given to transfer moneys to the States under the act of twenty-third of June, eighteen hundred and thirty-six, and which have not been paid by the depositories upon which they were drawn or otherwise arranged and settled by the United States, by receiving such drafts at par in payment of any debts due to the United States, without any allowance of interest for the time the drafts have been outstanding and unpaid, or any other allowance for interest or damages of any description.

Approved, October 16, 1837.

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An Act making an additional appropriation for the suppression of Indian hostilities for the year one thousand eight hundred and thirty-seven.

*Be it enacted*, &c. That the further sum of one million six hundred thousand dollars shall be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to defray any expenses which have been or may be incurred, in preventing or suppressing the hostilities of any Indians; to be expended under the direction of the Secretary of War, conformably to the acts of Congress of the nineteenth of March, eighteen hundred and thirty-six, and of the second of July, eighteen hundred and thirty-six, and of the acts therein referred to.

Approved, October 16, 1837.

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An Act authorizing a further postponement of payment upon duty bonds.

*Be it enacted*, &c. That the Secretary of the Treasury be, and he hereby is, authorized to grant such further extension of credit upon all bonds for duties now outstanding as shall make the whole extension of credit upon each bond nine months from the time when the original bond became due and payable; making the extension in each case to depend upon the same conditions as to additional security, the payment of interest, and other terms, which have been prescribed by the Treasury Department, to the extension of revenue bonds since May last: *Provided*, That nothing herein contained shall be construed to include any existing bonds where the parties to the same have not, since the bonds became payable, given additional security, or made part payment, and are, by the proper officers of the Government, considered insolvent, or unsafe securities for the payment of their bonds.

Sec. 2. *And be it further enacted*, That a credit of three and six months shall be allowed on the duty of all merchandise which shall have been or may be imported on or before the first day of November next, upon which the duties are payable in equal instalments, in cash, and that the bonds received for such duties shall be payable, bearing interest at the rate of six per cent. per annum, and shall be in the form and upon the conditions prescribed by existing laws and by this act.

Sec. 3. *And be it further enacted*, That where the security in any bond which has been, or may hereafter be postponed, is entirely satisfactory, the principal or sureties in the same shall not be disabled from being in the mean time, till the period of postponement provided for by this act expires, received as principal or sureties in other bonds for duties, notwithstanding the bond first given may not have been actually paid, discharged, or extended, before or on the day it fell due: *Provided*, That such principal and sureties shall be found, in all other respects, safe and satisfactory security for the funds to which they may be proposed as parties.

Sec. 4. *And be it further enacted*, That the operation of all prior laws, and parts of laws, so far as inconsistent with this act, be suspended in the particulars in which they may conflict with, or differ from, its provisions, until this act shall cease by its own limitations.

Approved, October 16, 1837.

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An Act for adjusting the remaining claims upon the late deposite banks.

*Be it enacted*, &c. That the Secretary of the Treasury be, and he is hereby, authorized to continue to withdraw the public moneys now remaining in any of the former deposite banks, in a manner as gradual and convenient to the institutions as shall be consistent with the pecuniary wants of the Government, and the safety of the funds thus to be drawn; and that no further interest than that required by the deposite act of the twenty-third of June, one thousand eight hundred and thirty-six, under which those deposites were made, shall be demanded of any bank which has met, and shall hereafter meet, the requisitions of the Department. This provision shall also extend to such public moneys as may remain in any of the said banks, whether standing to the credit of the Treasurer of the United States, or of any disbursing or other public officer of the Government.

Sec. 2. *And be it further enacted*, That in case of neglect or refusal by any of the said banks to comply with the requisitions of the Secretary of the Treasury, as he shall make them, in conformity with the first section of this act, suits shall be instituted, where that has not already been done, to recover the amounts due to the United States, unless the defaulting bank shall forthwith cause to be executed and delivered to the Secretary of the Treasury a bond, with security to be approved by the Solicitor of the Treasury, to pay to the United States the whole moneys due from it in three instalments. The first to be paid on the first day of July next, the second on the first day of January, eighteen hundred and thirty-nine, and the remaining instalment on the first day of July, eighteen hundred and thirty-nine; and the default mentioned in this act on which interest is to commence at the rate of six per cent. shall be understood to be the neglect or omission of said banks, or any of them, to answer the drafts or requisitions of the

Secretary of the Treasury, made on them according to the provisions of the first section of this act; and interest thereon at the rate of six per centum per annum, from the time of default, together with any damages which may have accrued to the United States from protests of drafts drawn upon it, or from any other consequences of its failure to fulfil its obligations to the public Treasury.

Approved, October 16, 1837.

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An Act for the relief of D. P. Madison.

*Be it enacted, &c.*, That the President of the United States be, and he is hereby, authorized and requested to cause to be executed a grant and reconveyance to Mrs. D. P. Madison, her excutors, administrators, and assigns, of the right to publish in foreign countries, for her own benefit, the manuscript debates of the convention which formed the constitution of this Government, as well as the nett avails of any such publication which may have been ordered by her: *Provided, however*, That she shall not be allowed to withdraw from the possession of the Government either of the copies of said debates which accompanied her conveyance.

Approved, October 14, 1837.

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A Resolution directing the postage on letters sent by the Express Mail to be paid in advance.

*Resolved, &c.*, That the Postmaster General be, and he is hereby, directed to cause the postage on all letters sent by the Express Mail of the United States to be paid in advance at the time of depositing them for transportation by said mail.

Approved, October 12, 1837.

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